

CRB COMPLAINT EVALUATION FORM

Case Number: 08-005

Complainant Name: Michael Rosenstein

CASE SUMMARY

Dates of Incident:

December 28, 2005

Date of Complaint filed with IA:

Via CRB Fax dated 4/25/08

Date of Complaint filed with CRB:

April 24, 2008

Officers: Sgt. Barios
Detective Cohens
Det. Zamora
Det. Stevens

Allegation: False Arrest/Entrapment

Mr. Michael Rosenstein filed a complaint involving actions surrounding his arrest in an apparent narcotics operation. It is noted that he previously filed a complaint with the CRB against three of the above referenced officers on March 17, 2006 under CRB case #06-002. The matter was closed by the CRB by way of a letter dated May 16, 2006 by the CRB Executive Director Vicki Grant. He apparently has re-alleged substantially the same complaint with the CRB to revisit many of the same issues found in his previous file (#06-002). The minutes of the CRB meeting of May 11, 2006 reflects that many of these issues were addressed by Board.

Mr. Rosenstein has been very difficult to stay in contact with and has not produced any new evidence in this file that is different from the previous file. He has stated in a phone message left with the CRB Executive Director Muffler, on or about October 24, 2008, that he has new and/or additional evidence but has not produced the same at the time of writing of this summary. Executive Director Muffler has left no less than three (3) voice messages on his current active phone number (410) 263-3993 to Mr. Rosenstein in the month of October 2008 and requested that any and all evidence be produced via fax or mail ASAP to the Board. Mr. Rosenstein's one voice message back in response on October 24, 2008, explained that he is under a continuing disability and his "evidence" was stored in boxes that he would have to search for and send "down", as he is currently up north and not expected to return to Key West in the near future.

This file consists of the following written materials:

1. Complaint Form & Supporting Documents submitted by the Complainant;
2. KWPD E-Mail dated April 29, 2008, declining to investigate;
3. Multiple Letters to Mr. Rosenstein;
4. Entire CRB File of Case No. #06-002 (some copies of poor quality but only ones available);
5. Minutes of the CRB Meeting on May 11, 2006; and
6. Notice Letters to Involved Officers & Mr. Rosenstein.

The CRB must determine if this matter is should be addressed at this stage in light of the enclosed documents and KWPD PSO/IA's responsive e-mail to decline to proceed to investigate.

1

Transmission Report

Date/Time
Local ID 1
Local ID 2

04-25-2008
3052939827

07:36:01 p.m.

Transmit Header Text
Local Name 1
Local Name 2 C.R.B.

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

Citizen Review Board

To: Lt. David Smith
Inspector Janeth Del Cid From: Amanda Willett, Executive Director
Cc: Chief Lee
Fax/Phone: 809-1064 or 1068 Date: April 25, 2008
Re: CRB Complaint # 08-005 Pages: 18 (including fax cover page)
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Following for your review is a complaint received in person yesterday, April 24, 2008, from Michael Rosenstein concerning allegations of false arrest/entrapment against Sgt. Barrios, Det. Cohens, Det. Zamora and Det. Stevens. Please be advised that Mr. Rosenstein previously filed a separate complaint with the CRB on March 17, 2006 against Det. Zamora with allegations of excessive use of force; however the allegations of false arrest/entrapment were not complained of at that time and he now requests for those allegations to be investigation.

The CRB respectfully requests that IA review the complaint and conduct an investigation or inquiry and report back to the CRB within the 45 days allotted.

Thank you for your assistance.

Amanda Willett
Amanda G. Willett
Executive Director
City of Key West
Citizen Review Board
416 Fleming Street, Ste. A
P.O. Box 1946
Key West, FL 33041
citizensrvw@bellsouth.net
(305) 293-9835
(305) 293-9827 Fax

Total Pages Scanned : 18

Total Pages Confirmed : 18

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	442	305 293 8371	07:31:21 p.m. 04-25-2008	00:03:50	18/18	1	EC	HS	CP33600

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct

Citizen Review Board

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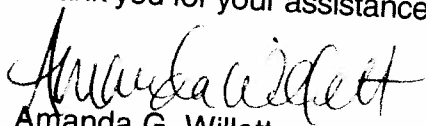
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416 Fleming Street, Ste. A
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(305) 293-9835
(305) 293-9827 Fax

Michael Rosenstein
1209 United St.
Key West, FL 33040

To Whom It Matters:

I see you have imposed a time limit on complaints. I left that jail close to death, took an ambulance to the hospital.

Only lately have I become physically and mentally been able to address this and other problems. Can supply medical records to support this.

Respectfully,
Michael Rosenstein

CRB

APR 24 2008

RECEIVED

Citizen Review Board

416-A Fleming Street, Key West, FL 33040

PO Box 1946, Key West, FL 33041

(305) 293-9835 Fax (305) 293-9827

email: citizensrvw@bellsouth.net

<http://www.keywestcity.com/departments/board.asp?fDD=36-153>

What you need to know before completing the attached complaint form.

- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed within 90 days of the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before filing the complaint with the CRB.
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.

I have read and understand the information provided to me on this page.

Michael Kosinski
Name/Nombre

4/14/08
Date/Fecha

CRB

APR 24 2008

RECEIVED

08-005

COMPLAINT FOR

Citizen Review Board

416 Fleming Street, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity/crb>email: citizensrvw@bellsouth.net

(305) 293-9835 Fax (305) 293-9827

2. Day, Date, Time
Complaint Received

1-24-08

3. KWPD Control System #

Please provide as much information as you can about the incident(s). Use additional pages if necessary.
 Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

A. COMPLAINANT INFORMATION
DATOS DEL DENUNCIANTE

Name: Michael Phillip Rosenstein Date of Birth: 1/9/50
 Nombre: _____ Fecha de nacimiento: _____
 Address: 1209 United St Key West FL 33040
 (Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip
 Mailing Address: same
 Dirección postal _____
 P.O. Box or Street, City, State and Zip _____
 Work Address: retired/disability
 (Dirección del trabajo) Summer after 54
 Home Phone: (407) 293-3993 Work Phone: () _____
 Teléfono Particular Teléfono del Trabajo Celular: 305 _____
 Celular

B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular le todas las que apliquen.
 Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Traffic Violation Searches
Entrapment

C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT
DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: _____ Badge #: _____ Vehicle #: _____
 Nombre: _____ Placa No: _____ Patrulla No. _____

Please provide a physical description of officer:
 Describa la apariencia física del oficial: _____

Name: _____ Badge #: _____ Vehicle #: _____
 Nombre: _____ Placa No: _____ Patrulla No. _____

Please provide a physical description of officer:
 Describa la apariencia física del oficial: _____

Name: _____ Badge #: _____ Vehicle #: _____
 Nombre: _____ Placa No: _____ Patrulla No. _____

Please provide a physical description of officer:
 Describa la apariencia física del oficial: _____

D. VICTIM/WITNESS INFORMATION
DATOS DE LA VICTIMA/TESTIGO

Did you witness the incident? Yes ☒ No ☐
¿Fue usted testigo del incidente denunciado? Si ☐ No ☐

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent ☐ Spouse ☐ Relative ☐ Guardian ☐ Child ☐ Friend ☐ Other ☐
Padre/Madre ☐ Conyuge ☐ Familiar ☐ Tutor ☐ Hijo/a ☐ Amigo/a ☐ Otra ☐

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:
Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

Victim/Witness #1

Victima/Testigo No. 1

Is this person a: victim ☐ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name: _____
Nombre _____

Address: _____ City _____ State _____
Dirección: _____ Ciudad: _____ Estado: _____

Zip Code _____ Contact numbers: Telephone _____ Cell _____
Código Postal _____ Teléfono _____

Victim/Witness #2

Victima/Testigo No. 2

Is this person a: victim ☐ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name: _____
Nombre _____

Address: _____ City _____ State _____
Dirección: _____ Ciudad: _____ Estado: _____

Zip Code _____ Contact numbers: Telephone _____ Cell _____
Código Postal _____ Teléfono _____

Victim/Witness #3

Victima/Testigo No. 3

Is this person a: victim ☐ witness ☐

Esta persona es: víctima ☐ testigo ☐

Name: _____
Nombre _____

Address: _____ City _____ State _____
Dirección: _____ Ciudad: _____ Estado: _____

Zip Code _____ Contact numbers: Telephone _____ Cell _____
Código Postal _____ Teléfono _____

E. INFORMATION ABOUT THE INCIDENT
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.
Suministre la mayor cantidad de informacion posible, utilizando páginas adicionales si fuese necesario.

Date: _____ Time: _____ Location: _____ Case # if applicable: _____
Fecha: _____ Hora: _____ Lugar: _____ No. de Caso, si corresponde: _____

See attached

Attach additional pages if necessary. Page number _____ of _____ pages of narrative

Are you being prosecuted for this incident or do you have a pending criminal case? Yes _____ No ☒

Have you ever been convicted of a felony? Yes ☒ No _____

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true."

Michael Rosenstra
Signature of Complainant

4/19/08
Date signed

Complaint Received by: _____

Complaint Reviewed by: _____

Action Taken: _____

Date complaint forwarded to Chief of Police: _____

1209 United St.
Key West, FL. 33040

To Whom It May Matter:

Please excuse the handwriting, my hands are bad. A double amputee fighting a rare fatal disease, I drove onto Key West in December of 2005. I had never been convicted of anything, not even a speeding ticket in my life. Within two weeks I was sitting in jail (clean & sober 8 years) falsely charged with a serious felony. The illegal police operation was ENTRAPMENT and FALSE ARREST. A crack addict/alcoholic with severe mental problems (professional assessment available) acted as a confidential informant INSIDE AN AA/NA clubhouse. Working with one or more lying policemen. So far, four other men have come to me, illegally jailed by the same people.

I cannot get a job, rent an apartment, or even volunteer to teach art to the children at Wesley House. I cannot travel to Indonesia to set up manufacturing of my clothing line or take the planned 8,000 mile sales trip.

} A National scandal in itself.

With a mandatory minimum sentence of 25 year to life, why did I leave jail without any sentence of prison time? why would the judge refuse me transcripts of my court appearances? why would the public defenders office refuse to release my records to my Power of Attorney or myself? The Florida Bar Association has record of me calling to ask for help.

"The Florida Keys
Come on Vacation
Leave on Probation,
Back on Violation."

Why is this saying on many peoples lips and even printed in the telephone book?

I DID NOT SUDDENLY DECIDE
TO BECOME A FELON.

I will fight this charge as many years as possible, After I singlely changed two city bus systems for handicapped people, my closest friend said: "Remind me never to have you angry with me."

For 35 years I owned and ran two businesses in Washington, D.C. and I know how to operate on a federal level.

I enjoyed a great high profile reputation. One company became large, the second one became famous for it's ties to the White House and Smithsonian. In Maryland I worked with the Governors Office on Disability, a city mayor and it's Narcotic Squad. I WILL NOT HAVE MY REPUTATION RUINED BY A COUPLE OF LOW LIFES.

My supposed co-conspirator was in my van because he wanted me to take him to AA meetings. He was in a very confused state from alcohol and when arrested was held in the handicapped unit for psychiatric reasons.

As a result of this arrest I:

① ~~had~~ had my medication cut off. As a severely disabled double amputee fighting a rare fatal disease - A life threatening situation. The stroke I had at the Detention Center went untreated and I lost most of the use of my right hand. I was manhandled at the arrest site.

② Over a million dollars worth of medical bills wiped away all of my assets. I starved to death rebuilding an old van. That van and all of the handicapped equipment was crushed

by Anchor Towing,

This entire episode was worse than losing my legs. I know how to use my anger effectively and I will fight this abuse of power indefinitely. I don't believe anyone in the police department will find wrongdoing. If someone did, they would quickly be silenced, because it would open the door to expensive litigation.

Richard Rosenberg

RESIDENT OF MONROE COUNTY

YES

NO X

RESIDENT OF FLORIDA

YES

NO X

CASE NO.: 05-12380

IN BOOK:

Defendant's Name:

Rosenstein

Michael

Phillip

Date of Birth: 9 January, 1950

(Last)

(First)

(Middle)

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of December, 2006

Det. J. W. Barrios 2485
Judge - Clerk - Notary Public - LEO

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

Addendum

Re: Arrest report

How do policemen lie like this?

- ① The CI was a crack addict/alcoholic with a history of mental illness (professional assessment available) looking for money
- ② I did not tell this CI I wanted to sell anything
- ③ Could not produce any telephone tapes because I never talked on the phone to anyone about drugs
- ④ I was never introduced to any Det. Cohens I never talked to him or saw him
- ⑤ As a addiction crisis intervention facilitator and a business man I knew that quantity of morphine was worth about \$5000 on the street, \$200 would be a ridiculous sum of money
- ⑥ The video, which the police would not produce at Motion of Discovery would show only the CI talking to me while someone (Det. Cohen) lurks out of sight. It will also show my surprise at having a \$900 bill shoved into my hand
- ⑦ The signer of this document are liars, crooked policemen that need to be weeded out of the force

Michael Rosenstein
1209 United Street
Key West, Florida 33040
305.879.1004 or 410.263.3993

ACLU

So many lawyers, doctors, legal aid professionals, family and friends have told me that I must write and request your help. You are my final and ultimate chance for help. I am enclosing my resume and various papers to give you a sense of who I am.

This letter should have been written a year ago, however, serious problems with my hands and the realization how of big a task writing it would be was overwhelming and it stopped me.

I am a double amputee, fighting a rare fatal disease. The story of my arrest has made a hardened probation officer cry and promise that she would find another job. The lawyers who have heard my story are left speechless.

I drove onto the island of Key West on 12-22-05 at the age of 55. I had never been convicted of any crime, not even a speeding ticket, in my life. Two weeks later I found myself sitting in jail facing a serious felony charge. How could this have happened to me after a distinguished 35 year career in business and the arts in Washington D.C., and a second career as an ADA activist, active in interventions for serious substance abusers and counseling the physically challenged.

All it took was a crack addict/alcoholic who was looking for drug money from crime-stoppers (professional assessment available), who was working at a AA/NA clubhouse with a crooked undercover narcotics officer who eager for a bust. These two men have put my life in ruins.

Whatever happens, I cannot go back to jail. Without life saving medications and special diet, my decline was swift, horrifying and painful. Years of finding my way back from death now seemed for naught. All of the old horrible physical symptoms reappeared. Ultimately, I had a stroke which took away most of the use of my right hand and made me incoherent. It was then that the public defender, who had been pushing for me to sign a plea agreement, pulled a fast one on me. I had been refusing all of his requests for plea bargains--I had done nothing wrong. Complying with his requests for a plea bargain would have gotten me a five year prison sentence.

The public defender waited until I was totally sick and incoherent and waiting for an ambulance for transport to the hospital. So on Thursday evening, the night before Friday plea day in court, he unexpectedly showed up at the jail. In a little room, he handed me a piece of paper and told me that if I signed I'd be able to walk out of there with only probation. The paper stated that I was pleading "No Lo Contendre" and that is what my record would read.

The pain I was suffering and manic incoherence (Bi Polar) meant I was unable to read the paper. I tried over and over. Seeing my hesitation, he got behind me, put his hand on my shoulder and repeated over and over "Sign this or you could get life." I needed an ambulance, the pain was so severe, so I signed because it was my only way of finally getting out of there and to the hospital.

The following morning in court, the public defender coached me. "I will have my hand on your shoulder. When the judge asks a question and I squeeze your shoulder, say yes and say nothing else." The judge asked a lot of questions fast. He squeezed fast and I said yes, fast, many times. That night, after being released, I took an ambulance to the hospital and was admitted for 10 days. My life was ruined, my health was ruined.

I've jumped ahead in my story hoping to gain your interest. I'm sure that you get so many letters from people asking for help. You need to know something about Key West. I have been all over the country and world and have never been in a place that is worse among democracies. The police and local government are above the law. Case in point: The 1990 Federal ADA laws are 17 years old now but ignored until recent lawsuits. Building inspectors regularly sign off on new construction plans without wheelchair access. In jail, dying, I could not worship because services were held two floors above me. I could not climb the two flights of stairs and they refused to move the services to a more accessible place.

How I Became a Felon. The Story of My Arrest.

The doctors at Johns Hopkins Hospital in Baltimore stuffed me with Morphine (pills and liquid) for several years before and during my amputations. These drugs came free from pharmaceutical companies with doctors' prescriptions. Slowly, my resistance to narcotics built up. Larger doses made me sick but did nothing to help with the pain. After my second amputation I demanded to be weaned off of the pain meds. The pain was horrendous but nothing worked. Even before the second amputation, doctors warned that I should leave Maryland during the winter months.

Ultimately, I believed that there were no longer any narcotics in my possession. Being in a wheelchair, I was unable to see to the rear of my bathroom vanity where unbeknown to me, a bottle of liquid morphine existed. A month before leaving Maryland for Key West, I was forced to move from my Annapolis apartment to a small wheelchair accessible section 8 apartment. A newspaper article resulted in two dozen people who volunteered to help pack my apartment. I was too sick to leave my bed. One of the volunteers found the bottle of morphine and packed it into a toiletries box. Knowing that I would soon be leaving for Key West, I never unpacked most of those boxes including the toiletries box.

My lay minister, his wife and two others loaded my van with all of my possessions while I tried to wrap up my life. The box with the morphine was loaded into my van. So was a heavy steel tool box with \$15,000. of non-narcotic prescription medication that I needed in order to stay alive. On the third day of my trip down to Key West, the box broke open when I stopped short. While

picking up, I found the morphine and dropped it into my medication box.

After two days in Key West, looking at the streets convinced me to make "Anchors Aweigh", the AA club, my home, my hang out. At the time that I went to jail, I had been clean and sober for almost 8 years. At Anchors Aweigh, I was befriended by two young men. One helped me with my van, wheelchair and food. I was so naive. The other young man, David, was always at the club and we became friendly. After working with substance abusers for so many years, it amazes me that I didn't recognize his day after cocaine frenzy, screaming at Greyhound buses about lost luggage. I offered to help him with the luggage issue by making phone calls. That's how he got my cell phone number.

A More Cruel Twist of Life than Losing My Legs

The presence of that bottle of morphine became a real problem for me emotionally. I was aware that it was a loaded gun waiting to go off if it fell into the wrong hands. A bottle that large could kill people. While it had no real affect on me, several drops would certainly relieve the blindingly painful chest pain I often had from a tear in my esophagus combined with a hiatal hernia and severe neuropathy. I wanted rid of it, I wanted to keep it. Laying on my bed in the shelter, I kept thinking about it. I had always counseled AA sponsors that in this kind of situation, they should approach another AA person to follow standard procedure. Together, the two would go and pour it out, throw it in the ocean, just dispose of the substance. I decided to take my own advice. I approached David who was young, but always at the AA clubhouse. I went up to him and said "David, I've found an old bottle of liquid morphine and must get rid of it." That was all that I said. I knew that as an AA member he would understand completely and know what we had to do.

Little did I know that David was not an AA member but was looking for ways to pay for his crack and alcohol. He and a crooked cop cooked up a scheme. I never saw it coming. So naive, I never realized why the new alarm on my van had stopped working. Why I found my medication box on top of everything in my van when I always kept it out of sight. One day, while in pain and in my van, frantically looking for some bandages, David called on my cell phone. He asked about the morphine, but I was distracted and didn't really answer him. Finally, while getting some medication at the Care Center for Mental Health, David called again, all excited. He repeatedly insisted that he desperately needed to see me. I thought that Greyhound had found his luggage and he wanted me to take him to get it. When I told him what I was busy doing, he offered to ride his bicycle to meet me in the parking lot of the restaurant next door.

In Ten Minutes My Life Changed Forever

I drove next door to the restaurant and parked. David approached the passenger window of my van and started chatting. After a while he asked about the morphine. I thought that we were going to dispose of it. My medication box was between the front seats as I had just gotten meds. I bent over to pick up the bottle of morphine. When I straightened up, David had moved about 15 feet away. There was a stranger at the window who snatched the bottle and shoved two \$100 bills in my hand. A big black pick-up truck backed up and hit my bumper. Men were running everywhere and it dawned on me that I was in trouble.

At my first court appearance, the judge read an arrest report that sounded like a Chuck Norris/Texas Ranger fantasy. The only truth to it is that the drug was in my possession, by prescription.

On Motion for discovery which was delayed weeks and weeks while I deteriorated, the police could provide no telephone tapes. There were none--I never tried to sell anything. The police would not provide the videotapes that were taped at the arrest. It just proves that I never met a police officer to sell him anything. It shows just how I was set up.

Could it Get Worse? It Certainly Did

On April 13 2007, I put two motions before Judge Jones. I requested legal representation but the Judge turned me down. It was extremely hard for me to think because of all the pain I am in.

First Motion--As Judge Jones previously declared me indigent on April 5, 2006, I asked to receive transcripts of my court appearances without paying the \$1.00 per page fee. Denied. I am not supposed to have them without good reason.

Second Motion--This was the big one as the outcome could result in my needing further amputation which would prevent me from walking with my prosthesis or in the worst possible case, death. While the doctors knew and documented that I couldn't survive the cold of the Maryland winters, they had no clue that the extreme heat and humidity in Key West would affect me so adversely. The summer of 2006 was my first summer in Key West. As soon as it became hot and humid in May, my stumps swelled to three times their size. The pain was unbelievable. The liquid opened a wound on my right stump and immediately became infected and a fungus began to grow. The doctors tried every antibiotic they could think of to no avail. My digestive tract went haywire (this on an island with only 5 ADA bathrooms). In the beginning of July the doctors gave up and suggested that I return to Maryland to consult with the specialists at Johns Hopkins. I spent 60 days there before returning to Key West in September. As it was still too hot, I was sick again within 10 days and returned to Johns Hopkins for another 30 days. In mid October, I again returned to Key West only to be rushed to Jackson Memorial Hospital in Miami. In an effort to remove the infected tissue, they created two hug holes. I have both now and need to return to Maryland for the next six months before infection sets in again. My motion was for administration probation so that I could travel to Maryland and the Johns Hopkins specialists. Denied. I presented the judge with a binder with about 10 letters from specialists (quite dire). There was also a letter from a Pastor, one from the Helpline where I volunteer and a letter from a case worker stating that they had exhausted all possibilities of finding housing for me.

A double amputee in a wheelchair, I have been homeless for over a year. The judge threw my binder on the desk and stated that I must have had the doctors devise these letters in a contrived effort to fool the court. We both know that reputable doctors will do no such thing. Finally, without knowing anything about my life in volunteerism, the judge announced that I was a con man.

Key West upgraded their facility from a 16 man jail to a 500 man jail. Built and run by a private corporation. The flow of federal and state cash is overwhelming.

The police and Deputies are mandated to keep it full. They, of course, in an effort to save money, ignore His Honorable William Hoeveler's court orders (McKenny vs Roth 1981) Miami Federal Circuit Court, for medical care. Having all my doctor's and hospital's records and prescriptions, I fought for every pill and cream and the special diet that I needed. Most times I lost. My pain was incredible. That entire issue is civil and I meet the criteria for help from the Florida Justice Institute.

The local Legal Aid office has declared themselves too small to handle civil rights or ADA cases. There is no help for the law. There are no pro bono attorneys in Key West. I must clear my name and I'm sure the incoherency and coercion should be addressed..

I have had a distinguished 35 year career in business and the arts and a second career as an ADA activist. I'm responsible for having a city bus converted to be kind to the challenged. After which, I was invited by the county executive to sit at a conference table and explain to the heads of all 22 government agencies why their disability programs weren't working. Here in Key West I am making great inroads on ADA issues, manning the county crisis helpline, invited to sit in on a government summit on ADA issues and am starting a free fresh fruit and vegetable program called "Food Link". I cannot afford to be discredited if I am to be effective.

Additionally, to pull myself out of the poverty caused by over \$1,000,000. in medical bills, I wish to, for the fourth time, start a business. I will need to travel internationally to set up manufacturing.

Unlike the FDLE, Monroe County police and deputies are not required to drug test their informants. Drug abusers looking for crime-stoppers money will do or say anything to get their reward.

I beg your help in getting my life and reputation back, as they have been ruined by unscrupulous individuals. Medical bills and medication have made me destitute. I cannot afford a lawyer and I am caught in a nightmare. Again, I beg for your help.

Arrest report and transcripts of all court appearances to follow if you choose to help me. Thank you for your time and consideration. Again, I beg for your help.

Respectfully,

Michael Rosenstien

A Brief Autobiography of Michael Rosenstein

If you have read my resume, you can tell I have been a hard working man, all my life. After attending a university as a pre-med and Psychology major, I started two businesses in the arts. My store design business experienced growth while the art gallery gained great recognition. I have enjoyed a wonderful thirty-year long reputation in the Washington Metropolitan area.

I was financially prosperous when I was suddenly struck by a rare and fatal disease quite devastating. Informed after months of research, by doctors of Johns Hopkins Hospital, that I would have been better off with AIDS and would be dead by the end of 2003, I owe my life to those specialists, after eight years of being homebound and living in hospitals with four years in bed, I became well enough to go outside. I had lost both legs and most of the functioning of my hands. Today, I do not feel disabled and hardly physically challenged. My medical bills topped one million dollars in eight years. In order to pay my portion along with huge monthly prescription costs, I was forced to sell everything I owned and now subsist on canned goods from the county.

I have not been idle. In Annapolis, I caused the county executive to call a meeting of all the agency heads so we could discuss increasing the effectiveness of programs currently offered for challenged residents. Single-handedly, I became an activist for the challenged and forced the bus system to repair all their lifts, air conditioners, and tie-down equipment for wheelchairs. Two therapists from different agencies gave out my name and telephone number so I could counsel the challenged on resources. Several times I was forced to do the same for new social workers. An impromptu speech I made at a transportation forum was quoted word for word in the Capital Newspaper the very next day. In Annapolis, I have met with the mayor asking her to create a strong task force for a citywide war on drugs. I am now working with the local police

The most important activity I have is counseling those with the disease of addiction. My unusual method of crisis intervention of the very sick addicts has led to an impressive success rate of recovery. Because of this, I have had the honor of filling most of the front page of the Capital newspapers at one time.

In Florida, I have continued these activities in addition to volunteering up to seventy hours a week, manning the telephones of the crisis help line. My service also includes volunteering at food kitchens in an effort to establish a program for the hunger modeled after one Annapolis. I sail and dive. Setting an example, I have learned how to cope with severe pain without drugs or alcohol.

Personal efforts to start my own business without any money have not moved forward very much. I live in complete poverty, unable to address my needs. This is just a snapshot about my life and I am looking forward to sharing more with you in the near future.

MICHAEL ROSENSTEIN

425C Captains Circle 1209 United Street
Annapolis, Maryland 21401 Key West Florida 33040
410.263.3993 305.896.9279

1974 to Present

After my on-the-job education in store design and merchandising at Hecht Company and Macy's, I opened my own business. Projects included the design of shop facades, interior space planning for single shops and small chains. My goals were to create unique solutions to increase both foot traffic, and sales. Working closely with my clients I prepared innovative designs with realistic budgets. I also assisted my clients with presentations to their bankers to secure funding for production. I followed up with detailed drawings and specifications for custom components, and the selection of merchandising equipment and furnishings. I oversaw the interior furnishing and prepared special display areas including lighting throughout. In addition I planned promotional events for such clients as Macy's, The Walters Art Gallery and Preakness Week for the City of Baltimore. My approach to work became more and more multi-disciplined to provide a maximum of service while holding the following positions.

Employment Experience

September 1986 - July 1988, J.C. Penney

Visual Merchandising Manager to reposition I.C.R. as a major department store

- Planned visual merchandising programs integrating company guidelines with overall promotional materials to insure an exciting shopping environment
- Developed innovative, presentation techniques for merchandising including the utilization of the company's advertising and physical properties
- Coordinated departmental layout and fixturing with store merchandise associates to improve both style and strong visual identity for each area.
- Evaluated effectiveness of installations and modified presentations to strengthen customer interest
- Managed and trained visual merchandising associates; trained sales associates to maintain presentation and merchandising standards

September 1983 - August 1986, Georgetown Leather Design

Self-Employed Designer/Consultant

- Coordinated merchandise presentation
- Responsible for design, planning, budget, supervision, and execution of visual merchandising and display, for new, remodeled, and existing stores
- Utilized knowledge of constantly changing trends in merchandising and display, including floor planning in new and remodeled stores and developing seasonal and promotional events.
- Provided educational programs for staff in all stores to keep them abreast of trends, market resources, and basic skills in lighting, props and fixturing
- Hired and trained the visual merchandising staff and coordinated timely creation of advertising and placement in media
- Responsible for property management of all stores (i.e. housekeeping, plumbing, hvac, electrical, lighting, telephone and alarm systems)

August 1979 - December 1983: Georgetown Leather Design

Director of Visual Merchandising

- Planned, maintained, executed budget; performed all accounting for department
- Hired, trained, and supervised all visual display staff
- Oversaw graphics from initial concept to final execution
- Initiated program to plan, budget, utilize, and maintain store-wide props

September 1976 - August 1986; Self-Employed Designer/Consultant

- Responsible for design, planning, budget, supervision and execution of visual merchandising and display, for new, remodeled, and existing stores
- Utilized knowledge of constantly changing trends in merchandising and display; including floor- planning in new and remodeled stores, and developing seasonal and promotional events.
- Provided educational programs for staff in all stores to keep them abreast of trends, market resources and basic skills in lighting, props, and fixturing
- Hired and trained the visual merchandising staff and coordinated timely creation of advertising and placement in media
- Responsible for property management of all stores (i.e. housekeeping, plumbing, hvac, electrical, lighting, telephone, and alarm systems)
- Directed visual displays for as many as 22 retail stores in the Baltimore! Washington area
- Designed individual retail units and private residential interiors.

The Gap

Mid-Atlantic Regional Display Director

- Developed visual presentations for 65 stores and execution of visual presentations for 18 stores

February 1975 - August 1976

- Studied all facets of kitchen planning and design
- Designed and executed kitchens for inner-city re-habs and, libraries, and paneling for \$5 million houses built on specs

1972 - 1974; The Hecht Company

Display Manager

- Contributed to management goals and objectives by providing seasonal merchandise changes
- Highlighted fast moving merchandise, increased appeal of slower moving merchandise
- Provided impact displays both predictable goods and promotional goods
- Managed resources and visual merchandising
- Supervised and trained display staff; coordinated their skills for efficient teamwork and productivity

Education

Corcoran School of Art, 1972

George Washington University~ 1971

Pre-Med and Psychology

1980 Art Gallery

- Opened an Art Gallery with partner in Washington, D.C. This hobby became a lucrative high profile business with ties to the Smithsonian Institution.

2



[Print] [Close]

From: "David T. Smith" <dtsmith@keywestcity.com>
To: "Citizen Review Board" <citizensrvw@bellsouth.net>
Cc: "Donald Lee" <dlee@keywestcity.com>, "Janeth Del Cid" <jdelcid@keywestcity.com>
Subject: Michael Rosenstein Complaint
Date: Tue, 29 Apr 2008 13:23:55 +0000

Amanda,

Good Morning. In regards to Mr. Rosenstein's complaint alleging false arrest, I have spoken to him, as has Interim Chief Donie Lee and former Chief Bill Mauldin in detail about his issue. His complaint is based on a narcotics arrest and is a COURT ISSUE. I am declining to investigate this matter as it does not involve officer misconduct. Mr. Rosenstein needs the felony conviction now on his record, resulting from this case, removed so he may obtain a passport so as to move out of country.

If you have any questions, please contact me. Thank you and have a great day!

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CITY OF KEY WEST

Citizen Review Board

PO Box 1946

Key West, FL 33041

(305) 809-3887

October 23, 2008

Michael Rosenstein
1209 United Street
Key West, FL 33040

Re: CRB Complaint File No.: 08-005

Dear Mr. Rosenstein:

Enclosed please find my letter dated October 14, 2008. I have not received a response to it as of yet. I tried two of your contact numbers and they are either not in service or incorrect. I did leave a voice message on your phone at (401) 263-3993 earlier this week. I have not received a response. Your matter will be reviewed by the Board during its next meeting on November 10, 2008, at the Old City Hall located at 610 Greene Street, Key West Florida 33040. Your appearance is optional, but this is your opportunity to speak directly to the board members relative to your complaint.

If you have any further written comments to add to your file, please write them and send them to me as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen C. Muffler", is written over a horizontal line.

Stephen C. Muffler, Esquire
Executive Director
Attorney at Law
Encl.



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 809-3887

October 14, 2008

Mr. Michael Rosenstein
1209 United Street
Key West, FL 33040

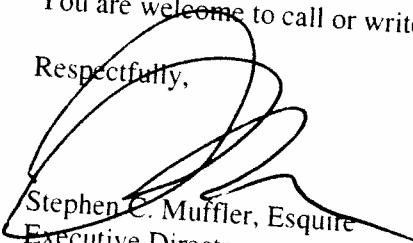
CRB Complaint File No.: 08-005

Dear Mr. Rosenstein:

Enclosed please find this office's letter, dated May 16, 2008, which we have not received a response. We will assume that you do not have any further information to provide to this office and do not wish this office to proceed on this matter if we do not hear back from you by October 27, 2008. If you are not satisfied with the IA investigation and/or have additional evidence relative to this matter, please fill out the below portion of this letter and timely send the same back to this office. I have enclosed a copy of IA's refusal to proceed as your complaint does not state a cause of action or complaint against an officer. Further, it seems that the clerk's docket of your criminal case (copy enclosed herein) reflects that you were placed on probation relative to this charge. Presumably you addressed these same issues in those proceedings, but said claims did not avoid the sentence issued by the court.

You are welcome to call or write us with any questions you may have.

Respectfully,


Stephen C. Muffler, Esquire
Executive Director
Attorney At Law

I am not satisfied with the results of the IA investigation and desire the CRB to continue to review my complaint. **If yes, please sign your name.** _____
Please explain: _____

I am satisfied with the results of the IA investigation and withdraw my complaint. If yes, please sign your name. _____



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 293-9835

May 16, 2008

Mr. Michael Rosenstein
1209 United Street
Key West, FL 33040

CRB Complaint File No.: 08-005

Dear Mr. Rosenstein:

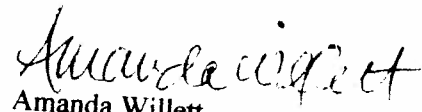
This letter is to confirm that you have received a copy of Key West Police Department Internal Affairs' determination regarding your complaint and to inquire if you are satisfied with the results or not.

Please sign the bottom of this page indicating your intentions at this time and return a copy to the CRB office in the enclosed envelope as soon as possible.

Should you determine that you are not satisfied with the finding, your full cooperation will be necessary in order for the CRB to thoroughly investigate your complaint. Please make sure that this office has all of your current contact information as well as any witness contact information.

You are welcome to call or write us with any questions you may have.

Respectfully,


Amanda Willett
Executive Director

I am not satisfied with the results of the IA investigation and desire the CRB to continue to review my complaint. **If yes, please sign your name.** _____
Please explain: _____

I am satisfied with the results of the IA investigation and withdraw my complaint. If yes, please sign your name. _____



[Print] [Close]

From: "David T. Smith" <dtsmith@keywestcity.com>
To: "Citizen Review Board" <citizensrvw@bellsouth.net>
Cc: "Donald Lee" <dlee@keywestcity.com>, "Janeth Del Cid" <jdelcid@keywestcity.com>
Subject: Michael Rosenstein Complaint
Date: Tue, 29 Apr 2008 13:23:55 +0000

Amanda,

Good Morning. In regards to Mr. Rosenstein's complaint alleging false arrest, I have spoken to him, as has Interim Chief Donie Lee and former Chief Bill Mauldin in detail about his issue. His complaint is based on a narcotics arrest and is a COURT ISSUE. I am declining to investigate this matter as it does not involve officer misconduct. Mr. Rosenstein needs the felony conviction now on his record, resulting from this case, removed so he may obtain a passport so as to move out of country.

If you have any questions, please contact me. Thank you and have a great day!

Defendant Name
ROSENSTEIN, MICHAEL

Date of Birth

1/9/1950

Case Number

CFK051324-

Uniform Case Number

442005CF001324000AKW

Defense Attorney

PRO, SE, UNKNOWN

Judge

Jones, Mark

Scheduled Court Appearances

Date	Time	Location/Court Room	Description
1/19/2006	1/1/1900 8:45:00 AM	KW COURTROOM B	ARRAIGNMENT
1/27/2006	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION
3/2/2006	1/1/1900 10:00:00 AM	KW COURTROOM B	PRE TRIAL/CRIMINAL
3/13/2006	1/1/1900 8:45:00 AM	KW COURTROOM B	TRIAL/FELONY
5/5/2006	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION
9/8/2006	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION
3/23/2007	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION
3/30/2007	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION
4/13/2007	1/1/1900 8:45:00 AM	KW COURTROOM B	MOTION

Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
12/28/2005	893.135	SELL MANUFACTURE DELIVER TRAFFIC IN DRUGS	4/5/2006	Def Sent/Guilty - Non Jury Trial/Adj WH

Docket Information

Date	Time	Description	Text
7/23/2007	-	-	COURT MINUTES /TRIAL CALL
5/15/2007	-	-	ORDER OF MODIFICATION OF PROBATION TO ADMINISTRATIVE PROBATION
4/27/2007	-	-	MOTION COURT MINUTES TO CONVERT ADMINISTRATIVE

4/17/2006	-	MOTION HEARING
4/13/2006	-	<04/28/2006> 08:45 A.M.
4/5/2006	ORDER OF PROBATION	ORDER ESTABLISHING
4/5/2006	-	MONETARY SUMS
4/5/2006	-	ORDER OF PROBATION
		CLOSED
		DE-SENT-DT / 3536 TRAFFIC /
		SENT JDG: HONORABLE,
		MARK JONES DT IMPOS:
		04/05/2006 / PROB: 005 000
		000 / ACTUAL SENTENCE
		DATE 2/24/06. ATTY FEE \$75,
		FS \$370, COP \$75, COI \$40, /
		PD \$40. EARLY TERM IF
		INCOMPLIANCE & PAID AFTER
		3 YRS.
4/5/2006	-	ADJUDICATION WITHHELD
3/6/2006	-	COUNT 001
3/6/2006	-	COURT MINUTES *
2/28/2006	SUBPOENA FOR DEPO *	COURT MINUTES *
		SUBPOENA FOR DEPO
		SERVED/ SGT FRANK
		ZAMORA
2/28/2006	SUBPOENA FOR DEPO *	SUBPOENA FOR DEPO
		SERVED/DET BERNARDO
		BARRIOS
2/28/2006	SUBPOENA FOR DEPO *	SUBPOENA FOR DEPO
		SERVED/OFC TODD STEVENS
2/28/2006	SUBPOENA FOR DEPO *	SUBPOENA FOR DEPO
		SERVED/DET FRANKLIN
		COHENS
2/28/2006	SUBPOENA FOR DEPO *	SUBPOENA FOR DEPO
		SERVED/OFC. HENRY
		ARROYO
2/24/2006	-	COURT
2/24/2006	-	MINUTES /PLEA/SENTENCE
2/24/2006	-	PLEA FORM
2/21/2006	-	CRIMINAL PUNISHMENT
		CODE SCORESHEET
2/19/2006	NOTICE OF TAKING DEPO *	NOTICE OF PLEA CERTAIN,
		FEB 24, 2006 AT 11:30
		NOTICE OF TAKING
		DEPO /OFC. HENRY ARROYO,
		DET BERNARDO BARRIOS,
		DET FR / ANKLIN COHENS,
		OFC. TODD STEVENS, SGT
		FRANK ZAMORA
1/27/2006	-	LETTER FROM PRISON
1/27/2006	PRE TRIAL SERVICE REPT	HEALTH SERVICES
1/27/2006	-	PRE TRIAL SERVICE REPT
		MOTION COURT MINUTES
		FOR BOND REDUCTION

4/13/2007	-	PROBATION/GRANTED
4/10/2007	-	MOTION COURT MINUTES FOR TRANSCRIPTS/DENIED
4/4/2007	-	MOTION HEARING <04/13/2007> 08:45 A.M.
4/4/2007	-	EVIDENTIARY HEARING SET <06/07/2007> 10:00 A.M.
3/30/2007	Conversion: Bond Information	Bond Amount: 25000.0
3/26/2007	-	MOTION COURT MINUTES TO CONVERT TO ADMINISTRATIVE PROBATION/NOT HEARD
3/23/2007	MINUTES *	MOTION HEARING <03/30/2007> 08:45 A.M.
3/23/2007	-	MINUTES MODIFY PROBATION
3/14/2007	-	MOTION COURT MINUTES TO CONVERT TO ADMINISTRATIVE PROBATION/CANCELLED
3/8/2007	MOTION HEARING	MOTION HEARING <03/23/2007> 08:45 A.M.
3/6/2007	-	MOTION HEARING <03/23/2007> 08:45 A.M.
1/11/2007	-	MOTION HEARING <03/09/2007> 08:45 A.M.
9/8/2006	AFFIDAVIT OF INDIGENT STATUS/PD APPT	AFFIDAVIT OF INDIGENT STATUS/PD APPT
9/6/2006	-	MOTION COURT MINUTES /TO MODIFY PROBATION
8/4/2006	-	MOTION HEARING <09/08/2006> 08:45 A.M.
8/4/2006	-	Court Cost Assessed Voided/Waived
8/4/2006	-	Court Cost Assessed / LT 2.00 FLGC 200.00 FACC 50.00 / TCCC 3.00 FCP 50.00 FACP 65.00
8/4/2006	-	Discretionary Cost Assessed Voided
5/2/2006	-	Court Cost Assessed Voided/Waived
4/26/2006	-	MOTION HEARING <05/05/2006> 08:45 A.M.
4/26/2006	-	Discretionary Cost Assessed / AF 75.00 IST 75.00 IKW 40.00
	-	Court Cost Assessed / LT 2.00 FLGC 200.00 FACC 50.00 / TCCC 3.00 FCP 50.00 FACP 65.00

1/27/2006	Conversion: Bond Hearing Date	
1/24/2006	-	
1/19/2006	-	MOTION HEARING <01/27/2006> 08:45 A.M.
1/19/2006	-	WRIT PLEA NG, DEMAND JT, BOP, NOD
1/19/2006	PRETRIAL ORDER	ARR COURT MINUTES
1/19/2006	-	PRETRIAL ORDER
1/19/2006	-	JURY TRIAL SET <03/13/2006> 08:45 A.M.
1/18/2006	-	PRETRIAL HEARING <03/02/2006> 10:00 A.M.
1/18/2006	INFORMATION FOR CONSOLIDATION FILED	INFORMATION FOR CONSOLIDATION FILED
1/18/2006	WARRANT INFORMATION FORM	WARRANT INFORMATION FORM
1/18/2006	-	AMENDED INFORMATION
1/18/2006	-	FILED COUNT 001
1/18/2006	-	WITNESS LIST
1/18/2006	-	STATES RESPONSE TO DISCOVERY
1/18/2006	WARRANT INFORMATION FORM	WARRANT INFORMATION FORM
1/18/2006	-	INFORMATION
1/17/2006	-	MOTION FOR PRE-TRIAL SERVICES RELEASE OR, IN THE ALTERNATIVE, A BOND / REDUCTION
1/17/2006	-	NOTICE OF MOTION FOR PRE- TRIAL SERVICES RELEASE OR, IN THE ALTERNATIVE / , A BOND REDUCTION
12/30/2005	AFFIDAVIT OF INDIGENT STATUS/PD APPT	AFFIDAVIT OF INDIGENT STATUS/PD APPT
12/30/2005	-	ARRAIGNMENT SET <01/19/2006> 08:45 A.M.
12/28/2005	NOTICE OF ARRAIGNMENT FILED	NOTICE OF ARRAIGNMENT FILED
12/28/2005	-	FIRST APPEARANCE FORM
12/28/2005	-	ARREST FORM



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041
(305) 293-9835

May 16, 2008

Mr. Michael Rosenstein
1209 United Street
Key West, FL 33040

CRB Complaint File No.: 08-005

Dear Mr. Rosenstein:

This letter is to confirm that you have received a copy of Key West Police Department Internal Affairs' determination regarding your complaint and to inquire if you are satisfied with the results or not.

Please sign the bottom of this page indicating your intentions at this time and return a copy to the CRB office in the enclosed envelope as soon as possible.

Should you determine that you are not satisfied with the finding, your full cooperation will be necessary in order for the CRB to thoroughly investigate your complaint. Please make sure that this office has all of your current contact information as well as any witness contact information.

You are welcome to call or write us with any questions you may have.

Respectfully,

A handwritten signature in cursive script that reads "Amanda Willett".

Amanda Willett
Executive Director

I am **not** satisfied with the results of the IA investigation and desire the CRB to continue to review my complaint. **If yes, please sign your name.** _____
Please explain: _____

I am satisfied with the results of the IA investigation and withdraw my complaint. If yes, please sign your name. _____



[Print] [Close]

From: "David T. Smith" <dtsmith@keywestcity.com>
To: "Citizen Review Board" <citizensrvw@bellsouth.net>
Cc: "Donald Lee" <dlee@keywestcity.com>, "Janeth Del Cid" <jdelcid@keywestcity.com>
Subject: Michael Rosenstein Complaint
Date: Tue, 29 Apr 2008 13:23:55 +0000

Amanda,

Good Morning. In regards to Mr. Rosenstein's complaint alleging false arrest, I have spoken to him, as has Interim Chief Donie Lee and former Chief Bill Mauldin in detail about his issue. His complaint is based on a narcotics arrest and is a COURT ISSUE. I am declining to investigate this matter as it does not involve officer misconduct. Mr. Rosenstein needs the felony conviction now on his record, resulting from this case, removed so he may obtain a passport so as to move out of country.

If you have any questions, please contact me. Thank you and have a great day!

4



CITY OF KEY WEST
Citizen Review Board
PO Box 1946
Key West, FL 33041

May 16, 2006

Bill Mauldin, Chief
Key West Police Department
PO Box 1409
Key West, FL 33041

RE: PS06-011 Michael Rosenstein

Dear Chief Mauldin,

The Citizen Review Board reviewed IA's inquiry into the above referenced complaint at the May 11, 2006 meeting.

The board noted that Lt. Jim Benkoczy met with the complainant in an effort to resolve any issues the complainant had with the Key West Police Department. Following his discussion with Lt. Benkoczy the complainant signed a statement determining that he is satisfied with the Lieutenant's explanation. The CRB followed-up with the complainant telephonically and was advised that he was satisfied with the results of his meeting with the Lieutenant. The board voted to accept Internal Affairs' report and close the case.

On behalf of the CRB, I thank you for the support that your office has provided.

Respectfully,

A handwritten signature in cursive script, reading "Vicki Grant", is written over a horizontal line.

Vicki Grant
Executive Director

Cc: City Manager
Lt. Jim Benkoczy
Det. Frank Zamora
Michael Rosenstein



MEMO

City of Key West Citizen Review Board

PO Box 1946 · Key West · FL 33041

To: Lt. Jim Benkoczy

From: Vicki Grant, Executive Director

Fax: 809-1068

Pages: 5

Phone:

Date: March 23, 2006

Re: CRB Complaint # 06-002

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

● Comments:

Following for your review is a complaint filed with the CRB by Mr. Michael Rosenstein. Mr. Rosenstein has indicated that he is interested in participating in a mediation meeting.

The CRB also requests a copy of the video of the arrest and the audio of the phone conversation between Mr. Rosenstein and the informant.

The CRB respectfully requests that IA review the complaint and conduct an investigation or inquiry and report back to the CRB within the 45 days allotted.

Thank you for your assistance.

Vicki Grant, Executive Director
City of Key West Citizen Review Board
PO Box 1946
Key West, FL 33041
citizensrvw@bellsouth.net
(305) 293-9835

1. CRB Control #06-002

COMPLAINT FORM

Citizen Review Board
416 Fleming Street, Key West, FL 33040
PO Box 1946, Key West, FL 33041
<http://www.keywestcity/crb>
email: citizensrvw@bellsouth.net
(305) 293-9835 Fax (305) 293-9827

2. Day, Date, Time
Complaint Received
03/17/2006

3. KWPD Control System #

Please provide as much information as you can about the incident(s). Use additional pages if necessary.
Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

A. COMPLAINANT INFORMATION DATOS DEL DENUNCIANTE

Name: Michael Rosenstein Date of Birth: 01/09/1950
Nombre Fecha de nacimiento

Address: 2700 Flagler Avenue Key West FL 33040
Dirección Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: _____
Dirección postal PO Box or Street, City, State and Zip

Work Address: _____
(Dirección del trabajo)

Home Phone: () _____ Work Phone: () _____ Cellular: 305-879-0090
Teléfono Particular Teléfono del Trabajo Celular

B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular lo todas las que apliquen.
Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Traffic Violation Searches

C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: Det. Frank Zamora Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describe la apariencia física del oficial: _____

Name: Det. Frank Cohen Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:
Describe la apariencia física del oficial: _____

Name: Det. Todd Stevens Badge #: _____ Vehicle #: _____
Nombre Placa No: Patrulla No.

Please provide a physical description of officer:

3/23/2006C:\Documents and Settings\vgrant\My Documents\Complaint Register\Rosenstein, Michael\C O
MPLAINT FORM-Rosenstein.doc

D. VICTIM/WITNESS INFORMATION
DATOS DE LA VICTIMA/TESTIGO

Did you witness the incident? Yes ____ No ____
¿Fue usted testigo del incidente denunciado? Si ____ No ____

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent ____ Spouse ____ Relative ____ Guardian ____ Child ____ Friend ____ Other ____
Padre/Madre ____ Conyuge ____ Familiar ____ Tutor ____ Hijo/a ____ Amigo/a ____ Otra ____

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:
Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

Victim/Witness #1

Victima/Testigo No. 1

Is this person a : victim ____ witness ____

Esta persona es: víctima ____ testigo ____

Name: John Mark Mitchell

Nombre

Address: 714 NW 62 Street City Miami State FL

Dirección: Ciudad: Estado:

Zip Code _____ Contact numbers: phone _____ Cell _____
Código Postal Teléfono

Victim/Witness #2

Victima/Testigo No. 2

Is this person a : victim ____ witness ____

Esta persona es: víctima ____ testigo ____

Name: _____

Nombre

Address: _____ City _____ State _____

Dirección: Ciudad: Estado:

Zip Code _____ Contact numbers: phone _____ Cell _____
Código Postal Teléfono

Victim/Witness #3

Victima/Testigo No. 3

Is this person a : victim ____ witness ____

Esta persona es: víctima ____ testigo ____

Name: _____

Nombre

Address: _____ City _____ State _____

Dirección: Ciudad: Estado:

Zip Code _____ Contact numbers: phone _____ Cell _____
Código Postal Teléfono

E. INFORMATION ABOUT THE INCIDENT
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.
Suministre la mayor cantidad de informacion posible, utilizando paginas adicionales si fuese necesario.

Date: 12/28/2005 aprox. 11:00 am Location: Capt. Bob's parking lot on Roosevelt Blvd.
Fecha: _____ Hora: _____ Lugar: _____ No. de Caso, si corresponde: _____

The complainant takes exception that the Key West Police Department is planting informants in confidential AA/NA meetings. He complainant alleges that the informant is a known drug addict, mentally unstable as determined by a professional mental health and substance abuse counselor. The counselor is hesitant to come forward because his services are also confidential; however, he understands that he may have to in order to assist the complainant.

On the above date the complainant alleges that he was set up by the "confidential informant". The complainant is aware that his complaint of false arrest is a court issue. He wishes to go on record that he was framed by an informer that knew of his possession of a prescribed narcotic. He does not have a police record and he has never sold anything illegal in his life. He is terminally ill and depends on his medications to allow him to live a somewhat normal life.

His complaint of excessive use of force is against Det. Zamora. He states that Det. Zamora was attempting to jerk him out of the van by the shirt collar. The complainant was yelling that he has no legs repeatedly but the Detective continued to pull on him. The complainant states that he resisted by holding on to the steering wheel until the Detective understood the problem. The force used against the complainant caused him great pain and suffering due to his current health problem.

Attach additional pages if necessary. Page number _____ of _____ pages of narrative

Have you ever been convicted of a felony? Yes _____ No X

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true."

Michael Rosenstein
Signature of Complainant

3/22/06
Date signed

Complaint Received by: <u>vg</u>	Complaint Reviewed by: _____	Action Taken: _____
Date complaint forwarded to Chief of Police: _____		

DATE: 12/15/01 TIME: 1200 3 AGENCY REPORT NUMBER: 1200 1. REPORT SIGNAL #

INCIDENT TYPE: 1. FELONY 2. TRAFFIC FELONY 3. MISDEMEANOR 4. TRAFFIC MISDEMEANOR 5. ORDINANCE 6. OTHER

8. OFFENSE #1: 9. OFFENSE #2: 10. INCIDENT LOCATION (STREET NUMBER): 11. STATUTE VIOLATION #

12. BUSINESS NAME/AREA IDENTIFIER: 13. # OFFENSES: 14. # VICTIMS: 15. # OFFENDERS: 16. # PREM. ENT: 17. # VEN. STOLEN: 18. FORCED ENTRY: 19. OCCUPANCY: 20. OTHER STRUCTURE: 21. PARK LOT/GARAGE: 22. HIGHWAY/ROADWAY: 23. PARK/WOODLANDS: 24. LAKE/WATERWAY: 25. MOTOR VEHICLE: 26. OTHER KNOWN

27. LOCATION TYPE: 28. RESIDENCE STATUS: 29. RESIDENCE TYPE: 30. COUNTY: 31. OUT STATE: 32. LOCAL CONTACT ADDRESS: 33. DATE/TIME AVAIL: 34. OCC./TITLE: 35. BUSINESS PHONE: 36. RES. PHONE: 37. CITIZENSHIP: 38. USUAL OCCUPATION: 39. BUS. PHONE: 40. EYE COLOR: 41. HAIR: 42. BUILD: 43. HANDS: 44. TEETH: 45. COMPLEXION: 46. FACIAL HAIR: 47. HAIR STYLE: 48. EARS: 49. NOSE: 50. MOUTH: 51. THROAT: 52. NECK: 53. SHOULDERS: 54. ARMS: 55. HANDS: 56. FEET: 57. OTHER: 58. BUILD: 59. HANDS: 60. TEETH: 61. COMPLEXION: 62. FACIAL HAIR: 63. HAIR STYLE: 64. EARS: 65. NOSE: 66. MOUTH: 67. THROAT: 68. NECK: 69. SHOULDERS: 70. ARMS: 71. HANDS: 72. FEET: 73. OTHER: 74. BUILD: 75. HANDS: 76. TEETH: 77. COMPLEXION: 78. FACIAL HAIR: 79. HAIR STYLE: 80. EARS: 81. NOSE: 82. MOUTH: 83. THROAT: 84. NECK: 85. SHOULDERS: 86. ARMS: 87. HANDS: 88. FEET: 89. OTHER: 90. BUILD: 91. HANDS: 92. TEETH: 93. COMPLEXION: 94. FACIAL HAIR: 95. HAIR STYLE: 96. EARS: 97. NOSE: 98. MOUTH: 99. THROAT: 100. NECK: 101. 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Form with multiple sections: MISSING, RECOVERED, VEHICLE OR VESSEL, PROPERTY, CRIME, DRUG INFO, WEAPON. Includes fields for VIN, make, model, color, and various checkboxes for status and recovery details.

- See Supplemental for details -

OFFICER ASSAULTED / KILLED

1. INCIDENT TYPE

- ☐ 1 OFFICER KILLED FELONIOUS
- ☐ 2 OFFICER KILLED ACCIDENT OR NEGLIGENCE
- ☐ 3 OFFICER ASSAULTED, NO INJURY
- ☐ 4 OFFICER ASSAULTED, MINOR INJURY
- ☐ 5 OFFICER ASSAULTED, SERIOUS INJURY

2. OFFICER ACTIVITY

- ☐ 1 RESPONDING TO DISTURBANCE
- ☐ 2 BREAKING AND ENTERING IN PROGRESS OR PURSUING B AND E SUSPECT
- ☐ 3 ROBBERY IN PROGRESS OR PURSUING ROBBERY SUSPECT
- ☐ 4 ATTEMPTING OTHER ARREST
- ☐ 5 CIVIL DISORDER

- ☐ 6 DOMESTIC DISTURBANCE
- ☐ 7 HANDLING, TRANSPORTING, CUSTODY OF PRISONERS
- ☐ 8 INVESTIGATING SUSPICIOUS PERSONS OR CIRCUMSTANCES
- ☐ 9 AMBUSH, NO WARNING
- ☐ 10 ASSAULT MENTALLY DERANGED
- ☐ 11 TRAFFIC PURSUIT OR STOP

☐ 99 OTHER

3. TYPE OF ASSIGNMENT

- ☐ 1 ONE PERSON VEHICLE ALONE
- ☐ 2 ONE PERSON VEHICLE ASSISTED
- ☐ 3 TWO PERSON VEHICLE
- ☐ 4 DETECTIVE OR SPECIAL ASSIGNMENT ALONE

5. DETECTIVE OR SPECIAL ASSIGNMENT ASSISTED

- ☐ 5 DETECTIVE OR SPECIAL ASSIGNMENT ASSISTED
- ☐ 6 TRAFFIC MOTORCYCLE OFFICER
- ☐ 7 OTHER ALONE
- ☐ 8 OTHER ASSISTED

4. WAS OFFICER INJURED? YES ☐ NO ☐ UNK ☐

EXTENT OF INJURIES TO OFFENDER

- ☐ 00 N/A
- ☐ 01 MINOR
- ☐ 02 MODERATE
- ☐ 03 SERIOUS
- ☐ 04 FATAL

4. (ANSWER ALL QUESTIONS)

- WAS OFFICER WEARING BODY ARMOR?

Y	N	UNK	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- DID ARMOR PREVENT SERIOUS INJURY OR FATALITY?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------
- WAS OFFICER AWARE OFFENDER HAD WEAPON?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------
- DID OFFENDER USE OFFICER'S WEAPON?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------
- WAS A FIREARM DISCHARGED BY OFFENDER?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------

DISTANCE FROM OFFICER IN FEET (ESTIMATE) _____

WAS A FIREARM DISCHARGED BY THE OFFICER?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	--------------------------

6. OFFICER EXPERIENCE (IN YEARS) _____

AGE _____

7. OFFICER ASSAULTED BY OFFENDER/SUSPECT # _____

ADMIN.

1. Officer Reporting (Print and Sign)

5. Officer Reviewing (If Applicable)

6. ID Number

7. Routed To

8. Referred To

9. Assigned To

2. ID Number(s)

3. Unit

4. Date

10. By

11. Date

12. Pg

Pgs

SUPPLEMENTAL REPORT
STREET CRIMES UNIT
KEY WEST POLICE DEPARTMENT

CASE NUMBER: 05-12380

LOCATION: 2200 N. Roosevelt Blvd.

VICTIM: State of Florida

SUSPECT: ROSENSTEIN, Michael *and* MITCHELL, John

DATE OF OFFENSE: December 28, 2005

DATE OF REPORT: December 28, 2005

TYPE OF INCIDENT: Trafficking in Illegal Drugs

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

CASE STATUS: Closed by arrest x 2

INVESTIGATION TIME: Five hours

Det. T. Stevens



Det. Sgt. B. Barrios

**Key West Police Department
Special Operations Unit
Investigative Supplemental Report**

Case #: 05-12380
Victim: State of Florida
Offense: Trafficking Morphine
Suspect: Michael Rosenstien, John Mitchell
Incident location: 2200 N. Roosevelt
Date of incident: 12/28/05
Date of report: 12/28/05

On 12/28/05, Detectives from the Key West Police Department Special Operations Unit conducted an investigation focusing on the sale of morphine. A KWPD documented confidential informant told me that a white male only identified as "Mike" had a quantity of morphine for sale. To corroborate the information a monitored/recorded phone call was made to (410) 263-4737. I talked to ROSENSTIEN and he told me that he had 100 ml of morphine in a liquid form with the seal still intact on the bottle. I asked ROSENSTIEN what he was asking for the morphine and answered "make me an offer". I offered to purchase the morphine for \$200.00 and ROSENSTIEN agreed to meet with me at Captain Bob's restaurant. Surveillance/ arrest teams positioned themselves in the area of the transaction and once they were in place I walked over to ROSENSTIEN's blue mini van that had been identified earlier by surveillance units. I approached the passenger side of the van and the door was open. ROSENSTIEN was sitting in the drivers' seat and MITCHELL was seated in the passengers' seat. Next to ROSENSTIEN's right thigh was a small white bottle. ROSENSTIEN showed me the bottle to prove the seal was still intact, and read the label to prove that the bottle did contain morphine. I showed ROSENSTIEN the \$200.00 of KWPD pre-recorded currency and he handed the morphine bottle to MITCHELL. I gave MITCHELL the \$200.00 which he handed to ROSENSTIEN and received the morphine simultaneously. As I was looking at the morphine MITCHELL asked me to keep it so we did not attract attention. MITCHELL facilitated the transaction by assisting ROSENSTIEN and had knowledge of the illegal activity by statements during the transaction. As I was walking away and clear of the van I gave a pre-arranged visual signal and arrest teams initiated contact with ROSENSTIEN and MITCHELL.

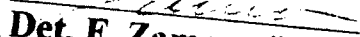
Det Franklin Cohens Special Operations Unit	Case Status: Cleared by Arrest
Det. Sgt. B. Barrios Supervisor	Investigative Time: 5.0 hrs

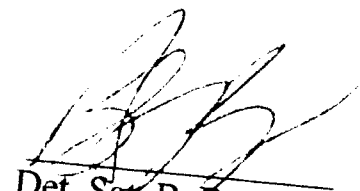
SUPPLEMENTAL REPORT
STREET CRIMES UNIT
KEY WEST POLICE DEPARTMENT

CASE NUMBER: 05- 12380
LOCATION: 2200 N. Roosevelt BLVD
VICTIM: State of Florida
SUSPECT: Michael P. Rosenstein and John Mitchell
DATE OF OFFENSE: 12/28/05
TYPE OF INCIDENT: Trafficking in Morphine

On 12/28/05, at approximately 1200 hours, the Key West Police Special Operations – Narcotics Unit conducted an operation using a confidential informant who has proven reliable in past drug investigations. The CI told the unit that a white male subject known as Michael Rosenstein told the CI that he had a large quantity of morphine that he wanted to sell on the street. The CI told the Unit that Rosenstein had no legs and would be driving a blue van full of boxes. We had the CI place a controlled phone call to Rosenstein in an attempt to purchase the morphine the CI introduced Det. Cohens (who was acting in an undercover capacity) to Rosenstein as a potential buyer. Rosenstein told Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Cohens asked Rosenstein how much he would be willing to sell it for and Rosenstein told him to make him an offer. Cohens told Rosenstein he would give him \$200.00 for it. Rosenstein and Cohens agreed to meet in the parking lot of Captain Bob's restaurant to make the deal. Det. Sgt. Barrios gave Cohens \$200.00 of Key West Police pre-recorded currency to purchase the morphine. At approximately 1230 hours, the CI and Cohens approached the blue van from the passenger side and exchanged the money for the morphine. Immediately after the transaction, Cohens gave the take down signal, and we approached the van. I approached the driver's side door and yelled to the driver, police let me see your hands. I could see the driver's left hand clenched with money later discovered to be the \$ 200.00 of pre- recorded currency. I recovered the money from Rosenstein incident to arrest, made copies and placed it in evidence. I field-tested the suspected morphine and it tested positive. Det. Sgt. Barrios weighed the morphine and it weighed 120.9 grams. I placed the morphine in evidence.

Case Status: assisted Det. Stevens
Investigative Time: 2 hours


Det. F. Zamora #1402


Det. Sgt. B. Barrios

JUDICIAL DEPARTMENT
MONROE COUNTY
FLORIDA

YES NO X
YES X NO

ARREST FORM X

ARRESTING AGENCY: K.W.P.

Arrested Name: Mitchell John Mark
(Last) (First) (Middle)
County: Indiana Local Address: None
Address: 714 NW 82nd St; Miami, FL 33127
Date of Birth: 11 July 1959
Race: W Sex: M Eyes: Brn Hair: Red Ht: 602 Wt: 18
Scars/Tattoos: None noted
Occupation: none
Phone: None
Arrest Date: 28 December 2005 Time: 1239hrs Location: 2200 N. Roosevelt Blvd
(Day Month Year) (Place of Arrest)
Arrested Name: Rosenstein Michael
(Last) (First) (Middle)
Taken To County Station: Monroe County Jail
Capias No.: Other:

OFFENSES CHARGED

1. Trafficking in Illegal drugs

In Viol. Of F.S.

893.135(1)(c)

Ordinance of Monroe Co., Sec.

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white
and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

1. Name: SCU Location: Date Set:
Address: KWPD
2. Name: Address: Phone:
3. Victim: Address: Phone:
Physical Evidence against Defendant: One (1) bottle morphine (120ml/120.9grams); video tape; audio tape of controlled
phone call
Arresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPD
Transporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at

Mitchell John
(Last Name) (First Name)
committed the following violation of law: See attached narrative.
Narrative: (Be specific) See attached narrative.
Subscribed before me, the undersigned authority, this

day of December, 2005
Judge Clerk Notary Public (EO)

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 2609

COURT COPY

STATE ATTORNEY'S COPY

ID NO.: T52

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

CITY OF MONROE
RESIDENT OF MONROE COUNTY
RESIDENT OF FLORIDA

COMPLAINT AFFIDAVIT

YES NO X
YES X NO

ARREST FOR ☒ X

ARRESTING AGENCY: KWF

Defendant Name: Mitchell John Mark
(Last) (First) (Middle)

CASE NO.: 05-12380

IN BOOK: _____
Date of Birth: 11 July 1959
(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPDP pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPDP pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPDP pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Subscribed before me,
by the undersigned authority, this

day of December, 2008
Det. J. M. Barlow
Judge - Clerk - Notary Public - LEO

I swear the above statement is correct and true to the best of my knowledge and belief.

Det. T. Stevens
Signature of Officer or Complainant
Dept. KWPDP
Ct. ID Number 2609

COURT COPY STATE ATTORNEY'S COPY ID NO.: T52
P.S.D. RECORD'S COPY OFFICER'S COPY DEFENDANT'S COPY

OFFICE OF MONROE COUNTY
CLERK OF MONROE COUNTY
CLERK OF FLORIDA

YES NO X
YES NO X

ARREST FORM X

ARRESTING AGENCY: K.W.P.D.

CASE NO.: 05-12380

IN BOOK:

Defendant's Name: Rosenstein

Michael

Philip

Defendant's Address: Brooklyn, NY

(First)

(Middle)

Local Address: None

Date of Birth: 9 January, 1950

Scars/Tattoos: None noted

Defendant's Address: 1054 Eaglewood Rd, Apt PB, Annapolis AA MD, 21403

Phone: None

Occ.: none

Defendant's Address: 1054 Eaglewood Rd, Apt PB, Annapolis AA MD, 21403

Race: W

Sex: M

Eyes: Brn

Hair: Gray

Ht: u/k Wt: 140

Arrest Date: 28 December 2005

(Day, Month, Year)

Time: 1239hrs

Location:

2200 N. Roosevelt Blvd

(Place of Arrest)

Defendant's Name: Mitchell

(Last)

John

(First)

Mark

(Middle)

Taken To County Station:

Monroe County Jail

Defendant's Name: Mitchell

(Last)

John

(First)

Mark

(Middle)

Taken To County Station:

Monroe County Jail

Capias No.:

Other:

OFFENSES CHARGED

1. Trafficking in Illegal drugs

In Viol. OFF.S.

893.135(1)(c)

Ordinance of Monroe Co., Sec.

2.

3.

4.

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

1. Name: SCU

Location

Date Set

2. Name:

Address: KWPD

Phone:

3. Victim:

Address:

Phone:

Address:

Phone:

Physical Evidence against Defendant: phone call

One (1) bottle morphine (120ml/120.9grams)); video tape; audio tape of controlled

Arresting Officers:

Det. T. Stevens

Ct. ID # 2609

Dept.: KWPD

Transporting Officers:

Ofc. H. Arroyo/Det. T. Stevens

Ct. ID # 2297/2609

Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that: On the 28th day of December, 2005 at

Rosenstein

(Last Name)

Michael

(First Name)

(Initial)

2200 N. Roosevelt

committed the following violation of law:

Narrative (Be specific) See attached narrative.
Given to and subscribed before me,
the undersigned authority, this

Day of December, 2005

Judge - Clerk - Notary Public

I swear the above statement is correct and true to the best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 2609

COURT COPY

STATE ATTORNEY'S COPY

ID NO.: 152

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

JUDICIAL DEPARTMENT
JUDICIAL DEPARTMENT
JUDICIAL DEPARTMENT

YES NO X
YES NO X

ARREST FORM X

ARRESTING AGENCY: KWPD

CASE NO.: 05-12380

IN BOOK: _____

Rosenstein Michael Philip
(Last) (First) (Middle)

Date of Birth: 9 January, 1950

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Subscribed and sworn to before me,
and undersigned authority, this

day of December, 2006
Det. J. V. Barrios 2485
Judge Clerk - Notary Public - LEO

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

PRECEDENT OF MONROE COUNTY
PRECEDENT OF FLORIDA

YES NO X
YES NO X

ARRESTING AGENCY: K.W.P.D.

CASE NO.: 05-12380 IN BOOK:

Defendant Name: Rosenstein Michael Philip
(Last) (First) (Middle)
Birth Date: Brooklyn, NY Local Address: None

Date of Birth: 9 January, 1950

Scars/Tattoos: None noted

Home Address: 1054 Eaglewood Rd, Apt PB, Annapolis AA MD, 21403 Phone: None Occ.: none
Race: W Sex: M Eyes: Brn Hair: Gray Ht: w/k Wt: 140

Arrest Date: 28 December 2005 Time: 1239hrs Location: 2200 N. Roosevelt Blvd
(Day, Month, Year)

Defendant's Name: Mitchell John Mark
(Last) (First) (Middle)

Taken To County Station: Monroe County Jail

Arrest No.: Capias No.: Other:

OFFENSES CHARGED

	In Viol. Of F.S.	Ordinance of Monroe Co., Sec.
1. <u>Trafficking in Illegal drugs</u>	<u>893.135(1)(c)</u>	
2.		
3.		
4.		

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

Name:	Address:	Phone:
1. Name: <u>SCU</u>	<u>KWPD</u>	
2. Name:		
3. Victim:		

Physical Evidence against Defendant: One (1) bottle morphine (120ml/120.9grams)); video tape; audio tape of controlled phone call

Arresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPD
Transporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at 2200 N. Roosevelt

Rosenstein Michael
(Last Name) (First Name) (Initial)

committed the following violation of law:

Narrative: Be specific) See attached narrative.

Sworn to and subscribed before me,
undersigned authority, this

day of December, 2005

Judge Clerk - Notary Public LEO

I swear the above statement is correct and true to the best of my knowledge and belief.

Det. T. Stevens
Signature of Officer or Complainant
Dept.: KWPD Ct. ID Number 2609

ID NO.: T52

COURT COPY STATE ATTORNEY'S COPY P.S.D. RECORD'S COPY OFFICER'S COPY DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

ARRESTING AGENCY:

KWPD

RESIDENT OF FLORIDA

YES NO X

CASE NO.: 05-12380

IN BOOK:

Rosenstein

Michael

Philip

Date of Birth: 9 January, 1950

(Last)

(First)

(Middle)

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Given to and subscribed before me,
in and signed authority, this

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

13th day of December, 2006
Det. J. W. Barrios 2485
Clerk Notary Public-LFO

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

JUDICIAL OFFICE OF MONROE COUNTY
JUDICIAL OFFICE OF FLORIDA

YES NO X
YES X NO

ARRESTING AGENCY: K.W.P.D.

CASE NO.: 05-12380

IN BOOK:

Defendant's Name: Mitchell

John

Mark

Defendant's Address: Indiana

(Last)

(First)

Local Address: None

Date of Birth: 11 July 1959

Defendant's Address: 714 NW 62nd St; Miami, FL 33127

Scars/Tattoos: None noted

Defendant's Name: [REDACTED]

Race: W

Sex: M

Eyes: Brn

Hair: Red

Ht: 602

Wt: 180

Arrest Date: 28 December 2005

(Day, Month, Year)

Time: 1239hrs

Location:

2200 N. Roosevelt Blvd

(Place of Arrest)

Defendant's Name: Rosenstein Michael

(Last)

(First)

(Middle)

Taken To County Station: Monroe County Jail

Defendant's Name:

Capias No.:

Other:

OFFENSES CHARGED

1. Trafficking in Illegal drugs

In Viol. Of F.S.

893.135(1)(c)

Ordinance of Monroe Co., Sec.

2.

3.

4.

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

1. Name:

SCU

Location

Date Set

2. Name:

Address: KWPD

Phone:

3. Victim:

Address:

Phone:

Address:

Phone:

Physical Evidence against Defendant:
phone call

One (1) bottle morphine (120ml/120.9grams); video tape; audio tape of controlled

Arresting Officers: Det. T. Stevens

Ct. ID # 2609

Dept.: KWPD

Transporting Officers: Ofc. H. Arroyo/Det. T. Stevens

Ct. ID # 2297/2609

Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at

Mitchell

(Last Name)

John

(First Name)

2200 N. Roosevelt

M

(Initial)

committed the following violation of law:

Initiative: (Be specific) See attached narrative.

Subscribed to and subscribed before me,
the undersigned authority, this

day of December, 2005

[Signature]

Judge - Clerk Notary Public (EQ)

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 2609

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

ARRESTING AGENCY:

KWPD

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 05-12380

IN BOOK:

Name

Mitchell

John

Mark

Date of Birth: 11 July 1959

(Last)

(First)

(Middle)

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

29th day of December, 2005

[Signature]
Clerk - Notary Public

I swear the above statement is correct and true to the best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

CI ID Number 2609

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

12/29/05 17:30:34

System: HTE
Program: CHF004P

KEY WEST POLICE DEPARTMENT
Narrative Print

Page:

Case Number: 1-05-012380

***** N A R R A T I V E # 2 *****
Reported By: LIPINSKI, DIANE M.
Entered By: LIPINSKI, DIANE M.

12/2

12/2

SUPPLEMENTAL REPORT

THIS IS A SUPPLEMENTAL REPORT TO DETECTIVE STEVEN S ORIGINAL REPORT.
INFORMATION:

On 28 December 2005, Officers from the Key West Police Department arrested the suspect (Mitchell) for Controlled Substance violation. While preparing the arrest affidavit, Detective Stevens obtained Mitchell's Florida Identification Card (#M-324-473-59-251-0) for identification purposes. While checking the ID, it revealed that he was a registered Sex Offender and the ID provided an address of 714 NW 62 ST, Miami, FL 33127 which was issued on 12-08-04. Officer Arroyo contacted me (Detective Lipinski) advising me of Mitchell's status inquiring about whether he needed to update his address or not. Officer Arroyo is familiar with some of the registration requirements for sex offenders and was also familiar with the fact that Mitchell needed to provide a new address upon his release from jail, so he contacted me and asked me to investigate it further.

DETECTIVES INVESTIGATION:

On 05 December 2005, Mitchell was arrested for Defrauding an Inn Keeper. While checking his identity status it was revealed that he was a sex offender originally from the state of California, but had been living in Miami Florida since 2004.

I requested that the Florida Department of Law Enforcement (FDLE) in Miami check Mitchell's status to see if he registered as a sex offender in the state of Florida. Mitchell did not register with the state of Florida so FDLE asked the Monroe County Detention Center (MCDC) (where Mitchell was being lodged), to register him as a sex offender to comply with the sex offender registration act.

On 06 December 2005, Detention Deputy A. Rodriguez registered Mitchell using the FDLE sexual predator/sexual offender registration form, which Mitchell signed indicating he understood the requirements for registering in the state of Florida, as provided on the back of the form.

On 21 December 2005, Mitchell was released from the Monroe County Detention Center.

On 28 December 2005, I checked the Department of Highway Safety's Motor Vehicles to check the status of Mitchell's identification card. It showed his ID card was originally issued on 12-08-04, with the most recent update being 11-03-05, indicating that Mitchell did not update his residential information with the department of Motor Vehicles, within 48 hours after being released from MCDC and/or the change in his residence, as required by Florida State Statute.

System: HTE
Program: CHF004P

KEY WEST POLICE DEPARTMENT
Narrative Print

Page:

Case Number: 1-05-012380

Mitchell did fail to report in person to the department of motor vehicles within 48 hours after being released from custody, to update his change of residence as a sexual offender, which is in violation of Florida State Statue.

ARREST:

I prepared an arrest affidavit and served it to Mitchell at the Monroe County Detention Center where he was still currently being lodged.

DISPOSITION: CLEARED BY ARREST

INVESTIGATIVE TIME: 2.5 HOURS

** End of Report **

RESIDENT OF MONROE COUNTY
RESIDENT OF FLORIDA

YES NO
YES NO

ARRESTING AGENCY: K.W.P.D.

CASE NO.: 05-12380

IN BOOK:

Defendant's Name: Mitchell John Mark

Place of Birth: Florida Date of Birth: 11 July 1959

Permanent Address: 714 NW 62 St. Miami, FL 33127

Phone:

Occ.:

Soc. Sec. No.: Race: W Sex: M Eyes: BRO Hair: Ht: 602 Wt:

Arrest Date: 29 Dec 2005 Time: Location: 5501 College Rd. MCDC

(Place of Arrest)

Co-Defendant's Name: Taken To County Station: Monroe County Jail

Citation No.: Capias No.: Other:

OFFENSES CHARGED

In Viol. Of F.S.

Ordinance of Monroe Co., Sec.

1. Violation of Sex Offender Registration

943.0435(4)

2.

3.

4.

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

Location

Date Set

1. Name: Address: Phone:
2. Name: Address: Phone:
3. Victim: Address: Phone:

Physical Evidence against Defendant: Copy of Sexual Offender Registration Form

Arresting Officers: Det. Lipinski Ct. ID # 2686 Dept.: KWPD

Transporting Officers: Ct. ID # Dept.:

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28 day of December, 2005

Mitchell John M
(Last Name) (First Name) (Initial)
committed the following violation of law:

Narrative: (Be specific) See attached narrative.
Sworn to and subscribed before me,
the undersigned authority, this

29 day of December, 2005

Judge - Clerk - Notary Public

I swear the above statement is correct and true to the best of my knowledge and belief.

Ofc.

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number

ID NO.: D-59

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO

RESIDENT OF FLORIDA

YES NO

CASE NO.: 05-12380

IN BOOK:

Defendant's Name:

MITCHELL

JOHN

MARK

Date of Birth: 11 JULY 1959

(Last)

(First)

(Middle)

(Day, Month, Year)

Violate the requirements of Sexual Offender Registration by failing to report to the Department of Motor Vehicles to update his driver's license within 48 hours of being released from the custody and control of the Monroe County Detention Center (MCDC).

On 05 December 2005, Mitchell was arrested for Defrauding an Inn Keeper. While checking his identity status it was revealed that he was a sex offender originally from the state of California, but had been living in Miami Florida since 2004.

Florida Department of Law Enforcement (FDLE) in Miami checked Mitchell's status to see if he registered as a sex offender in the state of Florida. Mitchell did not register with the state of Florida so FDLE asked the MCDC to register him as a sex offender to comply with the sex offender registration act.

On 06 December 2005, Detention Deputy A. Rodriguez registered Mitchell using the FDLE sexual predator/sexual offender registration form, which Mitchell signed indicating he understood the requirements for registering in the state of Florida, as provided on the form.

On 21 December 2005, Mitchell was released from the Monroe County Detention Center.

On 28 December 2005, Mitchell was arrested by Key West Officers. While filling out the affidavit for arrest on Mitchell the officer's obtained Mitchell's Florida identification card (M-324-473-59-251-0) identifying who he was, and the fact that he was a sexual offender. The ID card was originally issued on 12-08-04, with the latest update on 11-03-05, indicating that Mitchell did not update his residential information with the department of Motor vehicles, within 48 hours after being released from the Monroe County Detention Center and/or the change in his residence, as required by Florida State Statute.

Mitchell did fail to report in person to the department of motor vehicles within 48 hours to update his change of residence as a sexual offender, which is in violation of Florida State Statute.

Sworn to and subscribed before me,
the undersigned authority, this

I swear the above statement is correct and true to the
best of my knowledge and belief.

Ofc.

Diane M. L. L. L.
Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number

Judge - Clerk - Notary Public

ID NO.: 0-59.

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

CRB COMPLAINT EVALUATION FORM

Case Number: 06-002 Complainant Name: Michael Rosenstein

CASE SUMMARY

Date of Incident: December 28, 2006

Date of Complaint: March 17, 2006

Officer(s): Det. Frank Zamora

Allegation: Use of Force

Mr. Rosenstein's complaint of excessive use of force against Det. Zamora is based on how he describes the way he was handled by the Detective during his arrest on December 28, 2006. Mr. Rosenstein is disabled, having had both legs amputated below the knee. He was sitting behind the wheel of his van when he was approached by the Detectives during a sting operation. He alleges that Zamora attempted to jerk Mr. Rosenstein out of the van by pulling on his shirt collar. Mr. Rosenstein resisted by holding on to the steering wheel fearing that he would hit the pavement.

Mr. Rosenstein also filed a complaint for the record against the KWPD concerning their use of confidential informants at AA meetings with known drug addictions. He is aware that this is a court issue regarding his arrest.

Mr. Rosenstein agreed to meet with Lt. Benkoczy to discuss the procedure the KWPD used to collect the evidence to arrest him and the actual arrest procedure. Following this discussion, Mr. Rosenstein signed the enclosed document stating that he is satisfied with Lt. Benkoczy's explanation and that his complaint against Det. Zamora is resolved.

Mr. Rosenstein responded via telephone that he is satisfied with Lt. Benkoczy's explanation. He is still concerned that the KWPD does not require a drug test of confidential informants and that they do infiltrate a confidential AA meeting.

PERSONNEL INVOLVED AT THE SCENE

	Names	Witnesses Interviewed?			Efforts made to locate witnesses		
		Yes	No	N/A	Calls	Letters	Other
Complainant(s)	Michael Rosenstein	X					
Witness(es)	John Mark Mitchell		X				
Witness Officer(s)	Det. Frank Zamora	X					
	Det. Frank Cohen		X				
	Det. Todd Stevens		X				
	Confidential Informant						

CLAIMANT ALLEGATION(S)

OFFICER	ALLEGATION	Identified by Internal Affairs		Addressed by Internal Affairs		Finding by Internal Affairs		CRB Member	
		YES	NO	YES	NO	YES	NO		
Det. Frank Zamora	Use of Force	X		X			X	AGREE	DISAGREE

Apparent Inconsistencies _____

PERSONAL INJURIES

Name	Officer, Complainant, Witness, Other	Medical Care Required?		Comments
		Yes	No	
		Yes	No	
		Yes	No	
		Yes	No	
		Yes	No	

Was use of force required? Yes No

If so, what type of force? (Check all that apply)

Baton	Car (complainant)	Gun (officer)	Hands	Tight Handcuffs
Canines	Chemical Agent	Gun (complainant)	Knee	Unknown
Car (Officer)	Ground	Feet	Object	Other

Location of force? (Check all that apply)

Head	Torso	Limbs	Multiple Body Parts	Unknown
------	-------	-------	---------------------	---------

Degree of Injury? (Check all that apply)

Minor (Bruises)	Moderate (Lacerations)	Major (Fractures)	None (No injury)	Pre-existing	Unknown
-----------------	------------------------	-------------------	------------------	--------------	---------

ADMINISTRATIVE ISSUES

	Yes	No	N/A	Unknown	Name
Was the need to use force explained in a police report?		X			
Was a supervisor called?		X			
Did the Supervisor write a supplemental report?	X				
Was injury information taken from the Complainant?		X			
Was an officer injured during this incident?		X			
If yes, what was the degree of injury?					
Minor Moderate Major					

Revised 1005/vgrant

4/25/2006

Was medical care required for the officer(s)? ☐ ☒ ☐ ☐

What efforts were made to collect evidence for the investigation? (Check all that apply)

Neighborhood canvasses	Develop own leads	Photos of crime scene	Follow-up on leads
Reconstruction of incident	Obtain expert opinions	Locating witnesses	Obtain statement from medical personnel
Other	None	X	

CONCLUSION

Who in IA investigated the case? Lt. Benkoczy

Who determined the case Finding?

Who approved the case Finding?

Was this case sent to the Chief of Police for Finding and recommendation?

Did the Chief concur with the Finding?

Is IA's investigation thorough, complete and fair?

Board Member analysis

Agree with IA allegations Yes ___ No ___ N/A ___	Agree with IA findings Yes ___ No ___ N/A ___
---	--

Did the CRB agree with resolution of this complaint?

- a. Agree – First Review Yes ___ No ___
- b. Agree – After Further Action Yes ___ No ___
- c. Disagree – Difference of Opinion Yes ___ No ___
 - Factual Basis Exists Yes ___ No ___
 - Inadequate Investigation Yes ___ No ___
- d. Sent to City Manager? Yes ___ No ___

Date sent: _____

Basis for Agreement or Disagreement: _____

Identify trends: _____

Date CRB closed: _____ 16. CRB closing letter: Yes ___ No ___ N/A ___ Date: _____

Definitions of Findings:

At the conclusion of each review or investigation, the CRB shall render one of the following findings based on the preponderance of the evidence:

- a. **Unfounded** – where the review or investigation shows that the act or acts complained of did not occur or there is no credible evidence to support it;
- b. **Exonerated** – where the acts that provide the basis for the complaint occurred, but the review or investigation shows such acts were proper and consistent with Departmental written directives;
- c. **Not Sustained** – where the review or investigation fails to disclose sufficient facts to support the allegation made in the complaint;

- d. **Sustained** – where the review or investigation discloses sufficient facts to prove the allegations made in the complaint and the action by the member is inconsistent with Departmental written directives;
- e. **No Finding** – where the complainant failed to produce information to further the investigation, the review or investigation revealed that another agency was responsible and the complaint has been referred to that agency, the complainant withdrew the complaint, or the CRB did not reach a conclusion.
- f. **Not Involved** – although the event in question may have occurred, the member accused or suspected was determined to not be involved.
- g. **Policy Deficiency** – The allegation/suspicion is true, however, the member's actions were consistent with Departmental written directives, which appear to provide insufficient or incorrect guidance and therefore, in need of amendment.

FILE CHECKLIST

		YES	NO	NOT NECESSARY
1	Arrest Report			
2	Offense/Incident Report			
3	Supplemental Reports			
4	Notice to Appear			
5	Citation			
6	CAD Report			
7	EMS Report			
8	Response to Resistance Form			
9	Warrant(s)			
10	Dispatch Radio Related Traffic Report			
11	Dispatch Telephone Related Call Report			
12	Medical Release Form			
13	Medical Records (if applicable)			
14	MCSO Medical Intake Records			
15	Property/Evidence Inventory Printout			
16	Digital Video Disk			
17	Cassette/Digital Recording Interview(s)			
18	Video Tape			
19	Photos of Victim/Complainant			
20	Photos of Scene /Video if applicable			
21	Officer Witness Statements			
22	Other Witness Statements			
23	Complainants Statement			
24	Investigator(s) Report(s)			
25	Personnel Complaint Form			
26	Finding			
27	Register Entry			
28	Letter to Complainant			

COMPLAINT FORM**Citizen Review Board**

416 Fleming Street, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity/crb>email: citizensrvw@bellsouth.net

(305) 293-9835 Fax (305) 293-9827

2. Day, Date, Time
Complaint Received
03.17.2006

3. KWPD Control System #

Please provide as much information as you can about the incident(s). Use additional pages if necessary.
 Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

**A. COMPLAINANT INFORMATION
DATOS DEL DENUNCIANTE**Name: Michael Rosenstein

Nombre

Date of Birth: 01/09/1950

Fecha de nacimiento

Address: 2700 Flagler Avenue

Dirección

Street

Key West

(Ciudad) City

FL33040

(Estado) State (Código Postal) Zip

Mailing Address:

Dirección postal

PO Box or Street, City, State and Zip

Work Address:

(Dirección del trabajo)

Home Phone: ()

Teléfono Particular

Work Phone: ()

Teléfono del Trabajo

Cellular: 305-879-0090

Celular

B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular lo todas las que apliquen.
 Buttery False Rudeness Deficient Svc Profanity Truthfulness Issue Driving False St Traffic Violation Searches

**C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT
DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE**Name: Det. Frank Zamora

Nombre

Badge #:

Placa No:

Vehicle #:

Patrulla No.

Please provide a physical description of officer:
 Describa la apariencia física del oficial:

Name: Det. Frank Cohen

Nombre

Badge #:

Placa No:

Vehicle #:

Patrulla No.

Please provide a physical description of officer:
 Describa la apariencia física del oficial:

Name: Det. Todd Stevens

Nombre

Badge #:

Placa No:

Vehicle #:

Patrulla No.

Please provide a physical description of officer:

3/23/2006C:\Documents and Settings\vgrant\My Documents\Complaint Register\Rosenstein, Michael\C O
 M P L A I N T F O R M-Rosenstein.doc

D. VICTIM/WITNESS INFORMATION
DATOS DE LA VICTIMA/TESTIGO

Did you witness the incident? Yes _____ No _____
¿Fue usted testigo del incidente denunciado? Si _____ No _____

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent _____ Spouse _____ Relative _____ Guardian _____ Child _____ Friend _____ Other _____
Padre/Madre _____ Conyuge _____ Familiar _____ Tutor _____ Hijo/a _____ Amigo/a _____ Otra _____

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:
Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

Victim/Witness #1

Victima/Testigo No. 1

Is this person a : victim _____ witness _____
Esta persona es: víctima _____ testigo _____

Name: John Mark Mitchell

Nombre

Address: 714 NW 62 Street

Dirección:

City Miami

Ciudad:

State FL

Estado:

Zip Code _____

Código Postal

Contact numbers: phone _____

Teléfono

Cell _____

Victim/Witness #2

Victima/Testigo No. 2

Is this person a : victim _____ witness _____
Esta persona es: víctima _____ testigo _____

Name: _____

Nombre

Address: _____

Dirección:

City _____

Ciudad:

State _____

Estado:

Zip Code _____

Código Postal

Contact numbers: phone _____

Teléfono

Cell _____

Victim/Witness #3

Victima/Testigo No. 3

Is this person a : victim _____ witness _____
Esta persona es: víctima _____ testigo _____

Name: _____

Nombre

Address: _____

Dirección:

City _____

Ciudad:

State _____

Estado:

Zip Code _____

Código Postal

Contact numbers: phone _____

Teléfono

Cell _____

E. INFORMATION ABOUT THE INCIDENT
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.
Suministre la mayor cantidad de informacion posible, utilizando páginas adicionales si fuese necesario.

Date: 12/28/2005 aprox. 11:00 am Location: Capt. Bob's parking lot on Roosevelt Blvd.
Fecha: _____ Hora: _____ Lugar: _____ No. de Caso, si corresponde: _____

The complainant takes exception that the Key West Police Department is planting informants in confidential AA/NA meetings. He complainant alleges that the informant is a known drug addict, mentally unstable as determined by a professional mental health and substance abuse counselor. The counselor is hesitant to come forward because his services are also confidential; however, he understands that he may have to in order to assist the complainant.

On the above date the complainant alleges that he was set up by the "confidential informant". The complainant is aware that his complaint of false arrest is a court issue. He wishes to go on record that he was framed by an informer that knew of his possession of a prescribed narcotic. He does not have a police record and he has never sold anything illegal in his life. He is terminally ill and depends on his medications to allow him to live a somewhat normal life.

His complaint of excessive use of force is against Det. Zamora. He states that Det. Zamora was attempting to jerk him out of the van by the shirt collar. The complainant was yelling that he has no legs repeatedly but the Detective continued to pull on him. The complainant states that he resisted by holding on to the steering wheel until the Detective understood the problem. The force used against the complainant caused him great pain and suffering due to his current health problem.

Attach additional pages if necessary. Page number _____ of _____ pages of narrative

Have you ever been convicted of a felony? Yes _____ No X

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true."

Michael Rosenstein
Signature of Complainant

3/20/06
Date signed

Complaint Received by: <u>VS</u>	Complaint Reviewed by: _____	Action Taken: _____
Date complaint forwarded to Chief of Police: _____		

Key West Police Department

To: Michael Rosenstein
From: Lt. Jim Benkoczy, Commander, Professional Standards
Date: April 7, 2006
Subject: Complaint Resolution 06-Q11

You have agreed to meet with me this date and time Fri 4-7-06 2pm to discuss your complaint against Detective Frank Zamora.

The purpose of this meeting is to bring a quick and voluntary resolution of the complaint you made against Detective Zamora involving his actions during your arrest on December 28, 2005 at 2200 N. Roosevelt Blvd.

Your participation in this meeting is a completely voluntary, informal, and non-disciplinary procedure agreed to by you, the complainant, and the Professional Standards Office to attempt to arrive at a mutually acceptable resolution of your complaint.

With my signature below I understand no further investigation will be conducted by the Key West Police Department and that the issues pertaining to this complaint are successfully resolved.

Michael Rosenstein
signed - Complainant

4/7/06
date

Lt. J. C. Benkoczy
signed - Professional Standards

4-7-06
date

Cc: Det. Frank Zamora
file



AGENCY OR NUMBER 2 RELATING CA 3. AGENCY REPORT NUMBER 1. REPORT SIGNAL #

4. REPORTED DATE TIME TIME DISP. TIME ARR. TIME COMPLETED

INCIDENT TYPE 2. TRAFFIC FELONY 3. MISDEMEANOR 4. TRAFFIC MISDEMEANOR 5. ORDINANCE 99 OTHER

6. OFFENSE #1 TYPE DATE TIME DAY DATE TIME DAY DATE TIME DAY DATE TIME DAY

7. OFFENSE #2 TYPE DATE TIME DAY DATE TIME DAY DATE TIME DAY DATE TIME DAY

10. INCIDENT LOCATION (STREET/NUMBER) CITY STATE ZIP 11. GEOGRAPHIC INDICATOR

12. BUSINESS NAME/AREA IDENTIFIER

13. # OFFENSES 14. # VICTIMS 15. # OFFENDERS 16. # PREM. ENT. 17. # VEH. STOLEN 18. FORCED ENTRY

19. OCCUPANCY 20. LOCATION TYPE 21. SCHOOL/UNIVERSITY 22. OTHER STRUCTURE 23. UNOCCUPIED 24. ABANDONED 25. OTHER MOBILE 26. OTHER KNOWN

27. VICTIM TYPE 28. VICTIM RELATIONSHIP TO OFFENDER 29. VICTIM STATUS 30. VICTIM TYPE 31. VICTIM RELATIONSHIP TO OFFENDER 32. VICTIM STATUS

33. OFFENSE INDICATOR 34. RESIDENCE STATUS 35. PART YEAR 36. RESIDENCE TYPE 37. COUNTY 38. OUT STATE 39. LOCAL CONTACT ADDRESS

40. BUSINESS ADDRESS / SCHOOL / CITY / STATE / ZIP 41. DATE / TIME AVBL 42. OCC / TITLE

43. RESIDENCE PHONE () 44. BUSINESS PHONE ()

45. VICTIM 46. LAST NAME, FIRST, MIDDLE / BUSINESS 47. BUSINESS PHONE ()

48. PR 49. WITNESS 50. RESIDENCE ADDRESS 51. APT. # 52. CITY 53. STATE 54. ZIP

55. OFFENSE INDICATOR 56. RESIDENCE STATUS 57. PART YEAR 58. RESIDENCE TYPE 59. COUNTY 60. OUT STATE 61. LOCAL CONTACT ADDRESS

62. BUSINESS ADDRESS / SCHOOL / CITY / STATE / ZIP 63. DATE / TIME AVBL 64. OCC / TITLE

65. RESIDENCE PHONE () 66. BUSINESS PHONE ()

67. EXTENT OF INJURY 68. LOCATION ON BODY 69. HOSPITAL / CLINIC 70. SQUAD #

71. INJURY TYPE 72. INJURY TYPE 73. INJURY TYPE 74. INJURY TYPE 75. INJURY TYPE

76. PERSON INTERVIEWED 77. LOCAL CONTACT ADDRESS 78. BUS ADDRESS 79. CITY 80. RES PHONE

81. PERSON INTERVIEWED 82. LOCAL CONTACT ADDRESS 83. BUS ADDRESS 84. CITY 85. RES PHONE

86. LAST NAME, FIRST, MIDDLE 87. RESIDENCE ADDRESS 88. APT. # 89. CITY 90. STATE 91. RES PHONE

92. OFFENSE INDICATOR 93. BUSINESS ADDRESS 94. CITY 95. ZIP 96. USUAL OCCUPATION 97. BUS PHONE

98. INJURED 99. INJURED 100. INJURED 101. INJURED 102. INJURED

103. DOB/AGE 104. RACE/SEX 105. CITIZENSHIP 106. NICKNAME 107. APT. # 108. EYE COLOR 109. HAIR

110. CLOTHING, JEWELRY, MANNERISMS, CHARACTERISTICS 111. HGT 112. WGT 113. SCARS, MARKS, TATTOOS, DEFORMITIES 114. OBTS

115. LAST NAME, FIRST, MIDDLE 116. RESIDENCE ADDRESS 117. APT. # 118. CITY 119. STATE 120. RES PHONE

121. OFFENSE INDICATOR 122. BUSINESS ADDRESS 123. CITY 124. ZIP 125. USUAL OCCUPATION 126. BUS PHONE

127. INJURED 128. INJURED 129. INJURED 130. INJURED 131. INJURED

132. DOB/AGE 133. RACE/SEX 134. CITIZENSHIP 135. NICKNAME 136. APT. # 137. EYE COLOR 138. HAIR

139. CLOTHING, JEWELRY, MANNERISMS, CHARACTERISTICS 140. HGT 141. WGT 142. SCARS, MARKS, TATTOOS, DEFORMITIES 143. OBTS

144. LAST NAME, FIRST, MIDDLE 145. RESIDENCE ADDRESS 146. APT. # 147. CITY 148. STATE 149. RES PHONE

150. OFFENSE INDICATOR 151. BUSINESS ADDRESS 152. CITY 153. ZIP 154. USUAL OCCUPATION 155. BUS PHONE

156. INJURED 157. INJURED 158. INJURED 159. INJURED 160. INJURED

161. DOB/AGE 162. RACE/SEX 163. CITIZENSHIP 164. NICKNAME 165. APT. # 166. EYE COLOR 167. HAIR

168. CLOTHING, JEWELRY, MANNERISMS, CHARACTERISTICS 169. HGT 170. WGT 171. SCARS, MARKS, TATTOOS, DEFORMITIES 172. OBTS

173. HAIR LENGTH 174. HAIR STYLE 175. FACIAL HAIR 176. COMPLEXION 177. TEETH 178. APPEARANCE/DEMEANOR 179. SPEECH 180. HANDS

181. LONG 182. MEDIUM 183. SHORT 184. RECEDING 185. BALDING 186. BALD 187. AFRICAN NATURAL 188. BRAIDED 189. BUSHY 190. FU MANCHU 191. DIRT/GREASY 192. DREADLOCKS 193. FREECESSED 194. STYLED 195. UNCOMBED 196. WAVELY/CURLY 197. OTHER

198. CLEAN SHAVEN 199. FULL BEARD 200. FUZZ 201. GOATEE 202. LOWER LIP 203. MUSTACHE 204. SOEBURNING 205. UNSHAVEN 206. OTHER

207. LIGHT 208. MEDIUM 209. DARK 210. RUDDY 211. TANNED 212. MULLET 213. ALBINO 214. FRECKLED 215. OTHER

216. BROKEN 217. BUCK TEETH 218. DECAYED 219. DIRTY 220. GOLD LINED 221. DESIGNED 222. MISSING 223. VERY WHITE 224. OTHER

225. DIRTY 226. LASHY 227. MEAT 228. ANGRY 229. CALM 230. DRUNK 231. NERVOUS 232. VIOLENT 233. STUTTER 234. OTHER

235. ACCENT 236. RAPID 237. SLOW 238. LOUD 239. SOFT 240. NASAL 241. RASPY 242. STUTTER 243. OTHER

244. RIGHT 245. LEFT 246. UNKNOWN 247. BUILD 248. LIGHT 249. MEDIUM 250. HEAVY

MISSING PERSON INFORMATION	1 MISSING PERSON CODE 1 1 MISSING 2 2 RECOVER OUT MISSING 3 3 MISSING AND RECOVERED		TYPE MISSING 1 1 RUNAWAY 2 2 PARENTAL 3 3 INVOLUNTARY 4 4 DISABLED		RECOVERY INFORMATION 1 1 5 ENDANGERED 2 2 6 DISASTER VICTIM 3 3 7 VOLUNTARY ADULT 4 4 8 UNKNOWN		AGENCY REPORT # 03-12380	
	4 FOUL PLAY SUSPECTED? 1 1 YES 2 2 NO		5 PERSON MISSING PREVIOUSLY? 1 1 YES 2 2 NO		6 1 VOLUNTARY 2 2 LOCATED-NOT RETURNED 3 3 HOSPITALIZED 4 4 HRS CUSTODY		7 1 LAW ENFORCEMENT CUSTODY 2 2 RETURNED TO PARENT/GUARDIAN 3 3 DECEASED 4 4 99 OTHER	
	A WILL THE VICTIM PROSECUTE? <input type="checkbox"/> YES <input type="checkbox"/> NO		B ARE THERE ANY KNOWN WITNESSES TO THE CRIME? <input type="checkbox"/> YES <input type="checkbox"/> NO					
OFFENSE INFORMATION	C HAVE ALL KNOWN WITNESSES BEEN IDENTIFIED? <input type="checkbox"/> YES <input type="checkbox"/> NO		D HAVE ALL KNOWN WITNESSES BEEN INTERVIEWED? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	F DO WITNESSES HAVE INFORMATION THAT IS VALUABLE TO THE INVESTIGATION? <input type="checkbox"/> YES <input type="checkbox"/> NO		G WAS AN ARREST MADE? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	H CAN THE SUSPECT(S) BE NAMED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES EXPLAIN HOW AND BY WHOM SUSPECT WAS NAMED		I CAN THE SUSPECT(S) BE LOCATED? <input type="checkbox"/> YES <input type="checkbox"/> NO					
SUSPECT INFORMATION	J CAN THE SUSPECT'S VEHICLE BE DESCRIBED? <input type="checkbox"/> YES <input type="checkbox"/> NO		K CAN THE SUSPECT'S VEHICLE BE LOCATED? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	L HAS THE SUSPECT'S VEHICLE BEEN IMPOUNDED? <input type="checkbox"/> YES <input type="checkbox"/> NO		M HAVE COMPUTER ENTRIES BEEN MADE? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	N IS THERE A SIGNIFICANT MO?		IF YES PUT X IN BOX					
UNUSUAL CIRCUMSTANCES OR FACTORS SUCH AS LIMITED OPPORTUNITY, LARGE AMOUNTS OF TRACEABLE PROPERTY TAKEN, UNIQUE TYPE OF PROPERTY OR UNIQUE MO WHICH WOULD ASSIST THE INVESTIGATOR? IF YES EXPLAIN IN THE NARRATIVE.	O ARE THERE ANY UNUSUAL CIRCUMSTANCES OR FACTORS SUCH AS LIMITED OPPORTUNITY, LARGE AMOUNTS OF TRACEABLE PROPERTY TAKEN, UNIQUE TYPE OF PROPERTY OR UNIQUE MO WHICH WOULD ASSIST THE INVESTIGATOR? IF YES EXPLAIN IN THE NARRATIVE.							
	1 VEHICLE CODES U S - STOLEN A - ABANDONED I - IMPOUNDED U - USED IN CRIME		X - SEIZED R - RECOVERED OOT H - RETURNED TO OWNER V - VICTIM/THEFT/ATT THEFT		F - FAILED TO RETURN Y - STOLEN AND RECOVERED O - OTHER (ARSON/DAMAGE)		2 VEHICLE/VESSEL TYPE 1 AUTO 2 TRUCK/VAN 3 MOTORCYCLE 4 CAMPER/RV 5 BUS 6 TRAILER 7 BOAT 8 AIRCRAFT 99 OTHER	
	3 VIN # 2P4FH4133HR283249 HULL # 4 DECAL # N/A		5 HOW WAS VIN ACQUIRED? NCIC		6 MAKE PLTM 7 MODEL VAN 8 YR 87 9 BODY STYLE VAN 10 LIC #TAG #/VESSEL REG 56IMS39 11 YR 87 12 STATE NY			
VEHICLE OR VESSEL	13 VEHICLE COLOR TOP 9 BOTTOM 9		14 SPECIAL VEHICLE FEATURES		15 ADDITIONAL DESCRIPTION N/A		16 TAG COMES BACK TO NAME, ADDRESS, STATE, ETC. VALUE \$5000	
	CODE COLOR RANGE 1. BLACK 2. DARK BLUE 3. LT. BLUE/AQUA/TURQUOISE 4. DARK BROWN 5. LT. BROWN/BRONZE/COPPER 6. PURPLE 7. DARK GREEN 8. LT. GREEN/LIME/OLIVE 9. GRAY/SILVER		CODE COLOR RANGE 10. RED/MAROON 11. PINK 12. BEIGE/TAN 13. WHITE/CREAM 14. YELLOW 15. ORANGE/GOLD 99. OTHER/UNKNOWN		CODE FEATURE 1. LEVEL ALTERED 2. STICKER/DECAL ON BODY/BUMPER 3. STICKER/DECAL ON WINDOW 4. RUST OR PRIMER SPOTS 5. PAINTED INSCRIPTION ON BODY 6. DECORATIVE PAINT 7. MISSING PARTS 8. WINDOW BROKEN 9. DAMAGE TO FRONT		CODE FEATURE 10. DAMAGE TO REAR 11. DAMAGE TO SIDE 12. BODY PART(S) DIFFERENT COLORS 13. VINYL TOP 14. EXTRA ANTENNA(S) OR MIRROR 15. SPECIAL RIMS/TIRES 16. LOUD MUFFLER 99. OTHER/DESCRIBE BELOW	
	17 DOORS LOCKED <input type="checkbox"/> YES <input type="checkbox"/> NO		18 WINDOWS CLOSED <input type="checkbox"/> YES <input type="checkbox"/> NO		19 KEY IN IGNITION <input type="checkbox"/> YES <input type="checkbox"/> NO		20 FINANCED BY N/A	
RECOVERY	23 PERSON LAST DRIVING VEH		24 R/S		25 DOB/AGE		26 RESIDENCE ADDRESS (ZIP) PHONE	
	27 BUSINESS ADDRESS (ZIP) PHONE		28 LOCATION OF RECOVERY OF MV		29 RECOVERY MILEAGE		30 EVIDENCE OF STRIPPING <input type="checkbox"/> YES <input type="checkbox"/> NO	
	31 DISPOSITION OF VEHICLE		32 VEHICLE TOWED BY / WHERE?		33 IF OOT RECOVERY - MSG. #		AUTHORITY	
PROPERTY	PROP CODE		S - STOLEN F - FOUND D - DAMAGE (INC. VALUE)		R - OOT RECOVERED P - PERSONAL K - PHOTOS TAKEN PROPERTY RETURNED TO OWNER		E - EVIDENCE/SEIZED Y - STOLEN & REC. A - ARSON	
	1. PROPERTY RECEIPT #		2. PROP CODE		3. PER/ SUS #		4. QUAN.	
	5. DESCRIPTION OF ARTICLE SERIAL #, MODEL, BRAND NAME, ETC.		6. VALUE		7. ID TECHNICIAN		8. FIRST OFFICER ON SCENE PIN # UNIT #	
CRIME	1. ID REQUESTED? <input type="checkbox"/> YES <input type="checkbox"/> NO		2. SCENE PROCESSED? <input type="checkbox"/> YES <input type="checkbox"/> NO		3. WAS PHYSICAL EVIDENCE OBTAINED FROM THE SCENE? <input type="checkbox"/> YES <input type="checkbox"/> NO		4. LATENTS <input type="checkbox"/> YES <input type="checkbox"/> NO	
	5. PHOTOS <input type="checkbox"/> YES <input type="checkbox"/> NO		6. EVIDENCE TO PROPERTY UNIT <input type="checkbox"/> YES <input type="checkbox"/> NO		7. ID TECHNICIAN		8. FIRST OFFICER ON SCENE PIN # UNIT #	
	9. DRUG ACTIVITY N - N/A B - BUY D - DELIVER E - USE		K - DISPENSE/DISTRIBUTE M - MANUFACTURE/PRODUCE/CULTIVATE P - POSSESS		R - SMUGGLE S - SELL T - TRAFFIC U - UNKNOWN Z - OTHER		2. DRUG TYPE N - N/A A - AMPHETAMINE B - BARBITURATE C - COCAINE	
DRUG	3. ACTIVITY		4. TYPE		5. DESCRIPTION		6. QUANTITY	
	7. ACTIVITY		8. TYPE		9. DESCRIPTION		10. QUANTITY	
	11. ACTIVITY		12. TYPE		13. DESCRIPTION		14. QUANTITY	
WEAPON	1. WEAPON TYPE USED		2. WEAPON FEATURES		3. CALIBER/GAUGE		4. MAKE	
	5. SERIAL #		6. BARREL LENGTH		7. MODEL #		8. COLOR	
	9. TYPE OF GRIPS		10. BUTT		11. Pg 2 of 5			

65 12390

- See Supplemental for narrative -

OFFICER ASSAULTED / KILLED

1. INCIDENT TYPE

- ☐ 1. OFFICER KILLED FELONIOUS
☐ 2. OFFICER KILLED ACCIDENT OR NEGLIGENCE
☐ 3. OFFICER ASSAULTED, NO INJURY
☐ 4. OFFICER ASSAULTED, MINOR INJURY
☐ 5. OFFICER ASSAULTED, SERIOUS INJURY

3. TYPE OF ASSIGNMENT

- ☐ 1. ONE PERSON VEHICLE, ALONE
☐ 2. ONE PERSON VEHICLE, ASSISTED
☐ 3. TWO PERSON VEHICLE
☐ 4. DETECTIVE OR SPECIAL ASSIGNMENT, ALONE

2. OFFICER ACTIVITY

- ☐ 1. RESPONDING TO DISTURBANCE
☐ 2. BREAKING AND ENTERING IN PROGRESS OR PURSUING B AND E SUSPECT
☐ 3. ROBBERY IN PROGRESS OR PURSUING ROBBERY SUSPECT
☐ 4. ATTEMPTING OTHER ARREST
☐ 5. CIVIL DISORDER

- ☐ 6. DOMESTIC DISTURBANCE
☐ 7. HANDLING, TRANSPORTING CUSTODY OF PRISONERS
☐ 8. INVESTIGATING SUSPICIOUS PERSONS OR CIRCUMSTANCES
☐ 9. AMBUSH, NO WARNING
☐ 10. ASSAILANT MENTALLY DERANGED
☐ 11. TRAFFIC PURSUIT OR STOP

☐ 99 OTHER

4. (ANSWER ALL QUESTIONS)

- WAS OFFICER WEARING BODY ARMOR? ☐ Y ☐ N ☐ UNK ☐ N/A
 DID ARMOR PREVENT SERIOUS INJURY OR FATALITY? ☐ Y ☐ N ☐ UNK ☐ N/A
 WAS OFFICER AWARE OFFENDER HAD WEAPON? ☐ Y ☐ N ☐ UNK ☐ N/A
 DID OFFENDER USE OFFICER'S WEAPON? ☐ Y ☐ N ☐ UNK ☐ N/A
 WAS A FIREARM DISCHARGED BY OFFENDER? ☐ Y ☐ N ☐ UNK ☐ N/A

DISTANCE FROM OFFICER IN FEET (ESTIMATE): _____

WAS A FIREARM DISCHARGED BY THE OFFICER? ☐ Y ☐ N ☐ UNK ☐ N/A

6. OFFICER EXPERIENCE (IN YEARS) _____ AGE _____

7. OFFICER ASSAULTED BY OFFENDER/SUSPECT # _____

5. WAS OFFENDER INJURED? ☐ YES ☐ NO ☐ UNK
EXTENT OF INJURIES TO OFFENDER

- ☐ 01 N/A ☐ 02 MODERATE ☐ 04 FATAL
☐ 01 MINOR ☐ 03 SERIOUS

OFFENDER

R/S AGE

1. Officer Reporting (Print and Sign)

Det. Todd Stevens

Det. Sgt. [Signature]

6. ID Number

1555

7. Routed To

8. Referred To

9. Assigned To

2. ID Number(s)

2609

3. Unit

T52

4. Date

12/26/05

12 Pg 7 of 5

ADMIN.

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 05-12380

IN BOOK:

Defendant's Name: Mitchell John Mark
(Last) (First) (Middle)

Date of Birth: 11 July 1959

Place of Birth: Indiana Local Address: None

Scars/Tattoos: None noted

Permanent Address: 714 NW 62nd St; Miami, FL 33127

Phone: None

Occ.: none

See See No: Race: W Sex: M Eyes: Brn Hair: Red Ht: 602 Wt: 180

Arrest Date: 28 December 2005

(Day, Month, Year)

Time: 1239hrs

Location: 2200 N. Roosevelt Blvd

(Place of Arrest)

Co-Defendant's Name: Rosenstein Michael
(Last) (First) (Middle)

Taken To County Station: Monroe County Jail

Citation No:

Capias No.:

Other:

OFFENSES CHARGED

1. Trafficking in Illegal drugs In Viol. Of F.S. 893.135(1)(c) Ordinance of Monroe Co., Sec.

2. _____
3. _____
4. _____

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

Location

Date Set

1. Name: SCU Address: KWPD Phone: _____
2. Name: _____ Address: _____ Phone: _____
3. Victim: _____ Address: _____ Phone: _____Physical Evidence against Defendant:
phone call

One (1) bottle morphine (120ml/120.9grams); video tape; audio tape of controlled

Arresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPD

Transporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at

2200 N. Roosevelt

Mitchell

(Last Name)

John

(First Name)

M

(Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.

Sworn to and subscribed before me,
the undersigned authority, thisI swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 2609

13th day of December, 2005

Det. T. Stevens 2485

Judge Clerk Notary Public (ED)

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 05-12380

IN BOOK: _____

Defendant's Name: Mitchell John Mark
(Last) (First) (Middle)Date of Birth: 11 July 1959

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of December, 2005

Det. J. W. Barlow 2485
Judge Clerk - Notary Public-LEO

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

SUPPLEMENTAL REPORT
STREET CRIMES UNIT
KEY WEST POLICE DEPARTMENT

CASE NUMBER: 05-12380

LOCATION: 2200 N. Roosevelt Blvd.

VICTIM: State of Florida

SUSPECT: ROSENSTEIN, Michael *and* MITCHELL, John

DATE OF OFFENSE: December 28, 2005

DATE OF REPORT: December 28, 2005

TYPE OF INCIDENT: Trafficking in Illegal Drugs

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

CASE STATUS: Closed by arrest x 2

INVESTIGATION TIME: Five hours

Det. T. Stevens



Det. Sgt. B. Barrios

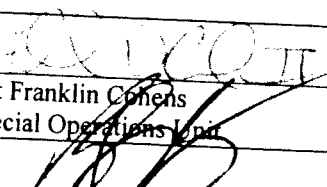
**Key West Police Department
Special Operations Unit
Investigative Supplemental Report**

Case #: 05-12380
Victim: State of Florida
Offense: Trafficking Morphine
Suspect: Michael Rosenstien, John Mitchell
Incident location: 2200 N. Roosevelt
Date of incident: 12/28/05
Date of report: 12/28/05

On 12/28/05, Detectives from the Key West Police Department Special Operations Unit conducted an investigation focusing on the sale of morphine. A KWPD documented confidential informant told me that a white male only identified as "Mike" had a quantity of morphine for sale.

To corroborate the information a monitored/recorded phone call was made to (410) 263-4737. I talked to ROSENSTIEN and he told me that he had 100 ml of morphine in a liquid form with the seal still intact on the bottle. I asked ROSENSTIEN what he was asking for the morphine and answered "make me an offer". I offered to purchase the morphine for \$200.00 and ROSENSTIEN agreed to meet with me at Captain Bob's restaurant.

Surveillance/ arrest teams positioned themselves in the area of the transaction and once they were in place I walked over to ROSENSTIEN's blue mini van that had been identified earlier by surveillance units. I approached the passenger side of the van and the door was open. ROSENSTIEN was sitting in the drivers' seat and MITCHELL was seated in the passengers' seat. Next to ROSENSTIEN's right thigh was a small white bottle. ROSENSTIEN showed me the bottle to prove the seal was still intact, and read the label to prove that the bottle did contain morphine. I showed ROSENSTIEN the \$200.00 of KWPD pre-recorded currency and he handed the morphine bottle to MITCHELL. I gave MITCHELL the \$200.00 which he handed to ROSENSTIEN and received the morphine simultaneously. As I was looking at the morphine MITCHELL asked me to keep it so we did not attract attention. MITCHELL facilitated the transaction by assisting ROSENSTIEN and had knowledge of the illegal activity by statements during the transaction. As I was walking away and clear of the van I gave a pre-arranged visual signal and arrest teams initiated contact with ROSENSTIEN and MITCHELL.

 Det. Franklin Cohen Special Operations Unit	Case Status: Cleared by Arrest
Det. Sgt. B. Barrios Supervisor	Investigative Time: 5.0 hrs

SUPPLEMENTAL REPORT
STREET CRIMES UNIT
KEY WEST POLICE DEPARTMENT

CASE NUMBER: 05- 12380

LOCATION: 2200 N. Roosevelt BLVD

VICTIM: State of Florida

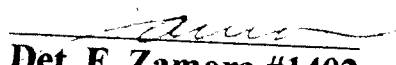
SUSPECT: Michael P. Rosenstein and John Mitchell

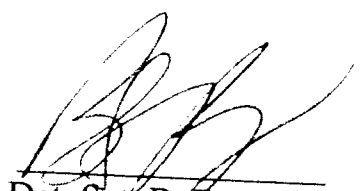
DATE OF OFFENSE: 12/28/05

TYPE OF INCIDENT: Trafficking in Morphine

On 12/28/05, at approximately 1200 hours, the Key West Police Special Operations – Narcotics Unit conducted an operation using a confidential informant who has proven reliable in past drug investigations. The CI told the unit that a white male subject known as Michael Rosenstein told the CI that he had a large quantity of morphine that he wanted to sell on the street. The CI told the Unit that Rosenstein had no legs and would be driving a blue van full of boxes. We had the CI place a controlled phone call to Rosenstein in an attempt to purchase the morphine the CI introduced Det. Cohens (who was acting in an undercover capacity) to Rosenstein as a potential buyer. Rosenstein told Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Cohens asked Rosenstein how much he would be willing to sell it for and Rosenstein told him to make him an offer. Cohens told Rosenstein he would give him \$200.00 for it. Rosenstein and Cohens agreed to meet in the parking lot of Captain Bob's restaurant to make the deal. Det. Sgt. Barrios gave Cohens \$200.00 of Key West Police pre-recorded currency to purchase the morphine. At approximately 1230 hours, the CI and Cohens approached the blue van from the passenger side and exchanged the money for the morphine. Immediately after, the transaction, Cohens gave the take down signal, and we approached the van. I approached the driver's side door and yelled to the driver, police let me see your hands. I could see the driver's left hand clenched with money later discovered to be the \$ 200.00 of pre- recorded currency. I recovered the money from Rosenstein incident to arrest, made copies and placed it in evidence. I field-tested the suspected morphine and it tested positive. Det. Sgt. Barrios weighed the morphine and it weighed 120.9 grams. I placed the morphine in evidence.

Case Status: assisted Det. Stevens
Investigative Time: 2 hours


Det. F. Zamora #1402


Det. Sgt. B. Barrios

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES NO X

CASE NO.: 05-12380

IN BOOK: _____

Defendant's name: Rosenstein Michael Philip

(Last)

(First)

(Middle)

Date of Birth: 9 January, 1950Place of Birth: Brooklyn, NY Local Address: NoneScars/Tattoos: None notedPermanent Address: 1054 Eaglewood Rd, Apt PB, Annapolis AA MD, 21403Phone: NoneOcc.: noneSoc. Sec. No.: u/k Race: W Sex: M Eyes: Brn Hair: Gray Ht: u/k Wt: 140Arrest Date: 28 December 2005

(Day, Month, Year)

Time: 1239hrsLocation: 2200 N. Roosevelt Blvd

(Place of Arrest)

Co-Defendant's Name: Mitchell John Mark

(Last)

(First)

(Middle)

Taken To County Station: Monroe County Jail

Citation No. _____

Capias No.: _____

Other: _____

OFFENSES CHARGED

1. Trafficking in Illegal drugs In Viol. Off F.S. 893.135(1)(c) Ordinance of Monroe Co., Sec. _____

2. _____

3. _____

4. _____

HOLD FOR FIRST APPEARANCE HEARING – DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING: _____

WITNESSES AGAINST DEFENDANT:

Location _____

Date Set _____

1. Name: SCU Address: KWPD Phone: _____

2. Name: _____ Address: _____ Phone: _____

3. Victim: _____ Address: _____ Phone: _____

Physical Evidence against Defendant:
phone callOne (1) bottle morphine (120ml/120.9grams)); video tape; audio tape of controlledArresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPDTransporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:

On the 28th day of December, 2005 at 2200 N. RooseveltRosenstein

(Last Name)

Michael

(First Name)

(Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.Sworn to and subscribed before me,
the undersigned authority, thisI swear the above statement is correct and true to the
best of my knowledge and belief.Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPDCt. ID Number 2609ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES NO X

CASE NO.: 05-12380

IN BOOK:

Defendant's Name

Rosenstein

Michael

Philip

Date of Birth: 9 January, 1950

(Last)

(First)

(Middle)

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

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At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of December, 2005

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

Judge Clerk - Notary Public-LEO

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES NO X

CASE NO.: 05-12380

IN BOOK:

Defendant's Name: Rosenstein Michael Philip
(Last) (First) (Middle)

Date of Birth: 9 January, 1950

Place of Birth: Brooklyn, NY

Local Address: None

Scars/Tattoos: None noted

Permanent Address: 1054 Eaglewood Rd, Apt PB, Annapolis AA MD, 21403

Phone: None

Occ.: none

Social Sec. No.: u/k Race: W Sex: M Eyes: Brn Hair: Gray Ht: u/k Wt: 140

Arrest Date: 28 December 2005

Time: 1239hrs

Location: 2200 N. Roosevelt Blvd

(Day, Month, Year)

(Place of Arrest)

Co-Defendant's Name: Mitchell John Mark
(Last) (First) (Middle)

Taken To County Station: Monroe County Jail

Citation No.:

Capias No.:

Other:

OFFENSES CHARGED

In Viol. Of F.S.

Ordinance of Monroe Co., Sec.

1. Trafficking in Illegal drugs

893.135(1)(c)

2.

3.

4.

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

Location

Date Set

1. Name: SCU Address: KWPD Phone: _____

2. Name: _____ Address: _____ Phone: _____

3. Victim: _____ Address: _____ Phone: _____

Physical Evidence against Defendant:
phone call

One (1) bottle morphine (120ml/120.9grams)); video tape; audio tape of controlled

Arresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPD

Transporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at

2200 N. Roosevelt

Rosenstein

Michael

(Last Name)

(First Name)

(Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.

Sworn to and subscribed before me,
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best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 2609

28th day of December, 2005

Judge Clerk - Notary Public LEO

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES NO X

CASE NO.: 05-12380

IN BOOK:

Date of Birth: 9 January, 1950

(Day, Month, Year)

Defendant's Name: Rosenstein Michael Philip
(Last) (First) (Middle)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

Det. Sgt. Barrios gave Det. Cohens \$200 of KWPD pre-recorded currency and Det. Cohens wore an audio transmitting device. With Det. Barlow videotaping and me audiotaping, both from a concealed location, members of the Key West Police Special Operations- Narcotics Unit monitored the transaction. The CI and Det. Cohens approached the van, which the CI had already identified as being the one commonly driven by ROSENSTEIN. They approached the van from the passenger side, which was occupied by a white male (later identified as MITCHELL). Det. Cohens later reported to me that he showed the two men the \$200 of KWPD pre-recorded currency. The driver, ROSENSTEIN, had a bottle under his right leg, which he handed to MITCHELL. MITCHELL then gave this to Det. Cohens who then handed the money to MITCHELL. MITCHELL then gave the money to ROSENSTEIN. When Det. Cohens and the CI walked away, Det. Cohens gave a pre-determined signal that the transaction was complete and we may affect an arrest on the two subjects.

Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of December, 2006

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

Judge Clerk Notary Public LEO

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 05-12380 IN BOOK: _____Defendant's Name: Mitchell John Mark Date of Birth: 11 July 1959

(Last)

(First)

(Middle)

Place of Birth: Indiana Local Address: None Scars/Tattoos: None notedPermanent Address: 714 NW 62nd St; Miami, FL 33127 Phone: None Occ.: noneSoc Sec No.: [REDACTED] Race: W Sex: M Eyes: Brn Hair: Red Ht: 602 Wt: 180Arrest Date: 28 December 2005 Time: 1239hrs Location: 2200 N. Roosevelt Blvd
(Day, Month, Year) (Place of Arrest)Co-Defendant's Name: Rosenstein Michael Taken To County Station: Monroe County Jail
(Last) (First) (Middle)

Citation No.: _____ Capias No.: _____ Other: _____

OFFENSES CHARGED

In Viol. Of F.S.

Ordinance of Monroe Co., Sec.

1. Trafficking in illegal drugs 893.135(1)(c)
2. _____
3. _____
4. _____

HOLD FOR FIRST APPEARANCE HEARING – DO NOT BOND OUT (complete reverse sides of white and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

Location

Date Set

1. Name: SCU Address: KWPD Phone: _____
2. Name: _____ Address: _____ Phone: _____
3. Victim: _____ Address: _____ Phone: _____

Physical Evidence against Defendant: One (1) bottle morphine (120ml/120.9grams); video tape; audio tape of controlled phone callArresting Officers: Det. T. Stevens Ct. ID # 2609 Dept.: KWPDTransporting Officers: Ofc. H. Arroyo/Det. T. Stevens Ct. ID # 2297/2609 Dept.: KWPDThe undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:
On the 28th day of December, 2005 at 2200 N. RooseveltMitchell

(Last Name)

John

(First Name)

M

(Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.Sworn to and subscribed before me,
the undersigned authority, thisI swear the above statement is correct and true to the
best of my knowledge and belief.Det. T. Stevens

Signature of Officer or Complainant

Dept.: KWPDCt. ID Number 260928th day of December, 2005[Signature] 2485
Judge - Clerk Notary Public LEOID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO X

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 05-12380

IN BOOK:

Defendant's Name:

Mitchell

John

Mark

Date of Birth: 11 July 1959

(Last)

(First)

(Middle)

(Day, Month, Year)

On the above date, the Key West Police Special Operations- Narcotics Unit conducted an operation targeting street level narcotics sales. A Confidential Informant (CI) who has proven reliable in past investigations that have resulted in numerous arrests and convictions told us that a white male whom he knows as Michael ROSENSTEIN had approached him. ROSENSTEIN had told the CI that he had a large quantity of morphine that he wanted to sell on the street. We placed a controlled, audiotaped phone call to ROSENSTEIN and the CI introduced Det. Cohens who was acting in an undercover capacity. He told Det. Cohens that he had 100ml of morphine in a plastic bottle with the manufacturers seal still intact. Det. Cohens asked him how much he would be willing to sell it for and ROSENSTEIN told him to make him an offer. Det. Cohens said that he would give him \$200 for it and he agreed. They also agreed to meet in the parking lot of Captain Bob's Grill to make the deal.

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Upon approaching the van, members of the Key West Police Special Operations- Narcotics Unit ordered the men out of the vehicle. Det. Zamora detained ROSENSTEIN on the drivers' side of the van because of a disability that made it difficult to exit. After identifying myself as law enforcement, I ordered MITCHELL out of the van and he complied. I handcuffed him and put him in the back of Ofc. Arroyos' marked police car. Det. Zamora reported to me that he recovered the \$200 of KWPD pre-recorded currency, which was clenched in ROSENSTEIN's left hand. Both subjects were placed under arrest.

At the police station, Det. Zamora reported to me that the substance field-tested positive for morphine. Det. Sgt. Barrios also reported that the weight of the morphine was 120.9grams.

Sworn to and subscribed before me,
the undersigned authority, this

28th day of December, 2006

[Signature]
Judge Clerk - Notary Public TEO

I swear the above statement is correct and true to the
best of my knowledge and belief.

Det. T. Stevens

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number 2609

ID NO.: T52

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

Date/Time: 12/29/05 / 17:30:34

System: HTE
Program: CHF004P

KEY WEST POLICE DEPARTMENT
Narrative Print

Page: 1

Case Number: 1-05-012380

68

***** N A R R A T I V E # 2 *****
SUPPLEMENTAL REPORT

Reported By: LIPINSKI, DIANE M.

12/29/

Entered By.: LIPINSKI, DIANE M.

12/29/

THIS IS A SUPPLEMENTAL REPORT TO DETECTIVE STEVEN S ORIGINAL REPORT.

INFORMATION:

On 28 December 2005, Officers from the Key West Police Department arrested the suspect (Mitchell) for Controlled Substance violation. While preparing the arrest affidavit, Detective Stevens obtained Mitchell s Florida Identification Card (#M-324-473-59-251-0) for identification purposes. While checking the ID, it revealed that he was a registered Sex Offender and the ID provided an address of 714 NW 62 ST, Miami, FL 33127 which was issued on 12-08-04. Officer Arroyo contacted me (Detective Lipinski) advising me of Mitchell s status inquiring about whether he needed to update his address or not. Officer Arroyo is familiar with some of the registration requirements for sex offenders and was also familiar with the fact that Mitchell needed to provide a new address upon his release from jail, so he contacted me and asked me to investigate it further.

DETECTIVES INVESTIGATION:

On 05 December 2005, Mitchell was arrested for Defrauding an Inn Keeper. While checking his identity status it was revealed that he was a sex offender originally from the state of California, but had been living in Miami Florida since 2004.

I requested that the Florida Department of Law Enforcement (FDLE) in Miami check Mitchell s status to see if he registered as a sex offender in the state of Florida. Mitchell did not register with the state of Florida so FDLE asked the Monroe County Detention Center (MCDC) (where Mitchell was being lodged), to register him as a sex offender to comply with the sex offender registration act.

On 06 December 2005, Detention Deputy A. Rodriquez registered Mitchell using the FDLE sexual predator/sexual offender registration form, which Mitchell signed indicating he understood the requirements for registering in the state of Florida, as provided on the back of the form.

On 21 December 2005, Mitchell was released from the Monroe County Detention Center.

On 28 December 2005, I checked the Department of Highway Safety & Motor Vehicles to check the status of Mitchell s identification card. It showed his ID card was originally issued on 12-08-04, with the most recent update being 11-03-05, indicating that Mitchell did not update his residential information with the department of Motor vehicles, within 48 hours after being released from MCDC and/or the change in his residence, as required by Florida State Statute.

Date/Time: 12/29/05 / 1:30:34

System: HTE

KEY WEST POLICE DEPARTMENT

Page: 2

Program: CHF004P

Narrative Print

Case Number: 1-05-012380

Mitchell did fail to report in person to the department of motor vehicles within 48 hours after being released from custody, to update his change of residence as a sexual offender, which is in violation of Florida State Statue.

ARREST:

I prepared an arrest affidavit and served it to Mitchell at the Monroe County Detention Center where he was still currently being lodged.

DISPOSITION: CLEARED BY ARREST

INVESTIGATIVE TIME: 2.5 HOURS

** End of Report **

RESIDENT OF MONROE COUNTY

YES

NO

RESIDENT OF FLORIDA

YES

NO

CASE NO.: 05-12380

IN BOOK: _____

Defendant's Name: Mitchell John Mark Date of Birth: 11 July 1959

Place of Birth: Florida Local Address: None Scars/Tattoos: _____

Permanent Address: 714 NW 62 St. Miami, FL 33127 Phone: _____ Occ.: _____

Soc. Sec. No.: 315-66-2926 Race: W Sex: M Eyes: BRO Hair: _____ Ht: 602 Wt: _____

Arrest Date: 29 Dec 2005 Time: _____ Location: 5501 College Rd. MCDC
(Day, Month, Year) (Place of Arrest)Co-Defendant's Name: _____ Taken To County Station: Monroe County Jail
(Last) (First) (Middle)

Citation No.: _____ Capias No.: _____ Other: _____

OFFENSES CHARGED

In Viol. Of F.S.

Ordinance of Monroe Co., Sec.

1. Violation of Sex Offender Registration 943.0435(4)
2. _____
3. _____
4. _____

HOLD FOR FIRST APPEARANCE HEARING - DO NOT BOND OUT (complete reverse sides of white
and pink copies for additional witnesses)

PRELIMINARY HEARING:

WITNESSES AGAINST DEFENDANT:

- | | Name: | Address: | Phone: |
|----|---------------|----------------|--------------|
| 1. | Name: _____ | Address: _____ | Phone: _____ |
| 2. | Name: _____ | Address: _____ | Phone: _____ |
| 3. | Victim: _____ | Address: _____ | Phone: _____ |

Physical Evidence against Defendant: Copy of Sexual Offender Registration Form

Arresting Officers: Det. Lipinski Ct. ID # 2686 Dept.: KWPD

Transporting Officers: _____ Ct. ID # _____ Dept.: _____

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:

On the 28 day of December, 2005

Mitchell John M
(Last Name) (First Name) (Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.

Sworn to and subscribed before me,
the undersigned authority, this

29 day of December, 2005

Judge - Clerk - Notary Public

I swear the above statement is correct and true to the
best of my knowledge and belief.Ofc. Diane M. Lypinski
Signature of Officer or Complainant

Dept.: KWPD Ct. ID Number _____

ID NO.: D-59

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES NO

RESIDENT OF FLORIDA

YES NO

CASE NO.: 05-12380

IN BOOK: _____

Defendant's Name: MITCHELLJOHNMARKDate of Birth: 11 JULY 1959

(Last)

(First)

(Middle)

(Day, Month, Year)

Violate the requirements of Sexual Offender Registration by failing to report to the Department of Motor Vehicles to update his driver's license within 48 hours of being released from the custody and control of the Monroe County Detention Center (MCDC).

On 05 December 2005, Mitchell was arrested for Defrauding an Inn Keeper. While checking his identity status it was revealed that he was a sex offender originally from the state of California, but had been living in Miami Florida since 2004.

Florida Department of Law Enforcement (FDLE) in Miami checked Mitchell's status to see if he registered as a sex offender in the state of Florida. Mitchell did not register with the state of Florida so FDLE asked the MCDC to register him as a sex offender to comply with the sex offender registration act.

On 06 December 2005, Detention Deputy A. Rodriguez registered Mitchell using the FDLE sexual predator/sexual offender registration form, which Mitchell signed indicating he understood the requirements for registering in the state of Florida, as provided on the form.

On 21 December 2005, Mitchell was released from the Monroe County Detention Center.

On 28 December 2005, Mitchell was arrested by Key West Officers. While filling out the affidavit for arrest on Mitchell the officer's obtained Mitchell's Florida identification card (M-324-473-59-251-0) identifying who he was, and the fact that he was a sexual offender. The ID card was originally issued on 12-08-04, with the latest update on 11-03-05, indicating that Mitchell did not update his residential information with the department of Motor vehicles, within 48 hours after being released from the Monroe County Detention Center and/or the change in his residence, as required by Florida State Statute.

Mitchell did fail to report in person to the department of motor vehicles within 48 hours to update his change of residence as a sexual offender, which is in violation of Florida State Statute.

Sworn to and subscribed before me,
the undersigned authority, this

I swear the above statement is correct and true to the
best of my knowledge and belief.

Ofc. Diane M. Luvile

Signature of Officer or Complainant

Dept. KWPD

Ct. ID Number _____

Judge - Clerk - Notary Public

ID NO.: 0-59.

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

City of Key West Citizen Review Board

(305) 293-9835 Fax: (305) 293-9827

To: Richard Fowler, Esq.

From: Vicki Grant, Executive Director

Fax: 294-9063

Pages: 14

Phone: 294-2103

Date: March 30, 2006

Re: Michael Rosenstein

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

● Comments:

The gentleman I spoke to you about last week, Michael Rosenstein, can be reached at 305-879-0090. He entered a plea on February 24, 2006.

I am leaving town tomorrow noon for a week but you can reach me on my cell if you have any questions, 305-394-9201.

Let me know if you don't have the time or the inclination to speak with Mr. Rosenstein.

Thank you.



M.C.S.O. Arrest Search Results by Name



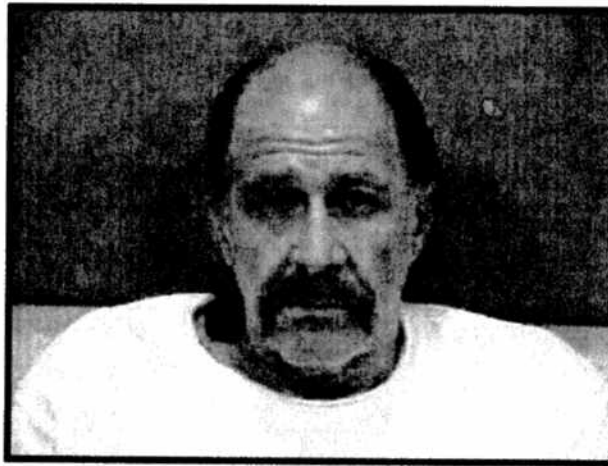
As of Tuesday, March 14, 2006 at 11:50

44200SCF001324000ARW
CFK050001324

Remember: The person or people shown on these pages have been arrested, but have
NOT been found guilty in a court of law.

For case dispositions, and for detailed information on criminal and civil court cases,
visit the Monroe County Clerk of the Courts web site.

For information on court dates and judges calendars, visit the 16th Judicial State Courts
web site.



ROSENSTEIN, MICHAEL PHILLIP

DoB:01/09/1950 Age:56 Sex:M Race:W

Arrest Date: 12/28/2005 CAD #: Arrest #: MCSO05ARR011407 Offense #:
KWPD05OFF12380

Address:

Unknown

Occupation:

None

Arrest Location: N. ROOSEVELT BLVD KEY WEST, 2200

Charges:

1 Felony Count(s) of 893.135.1c1

4 GRAMS LESS 30 KG OTHER CNTRL SUBST

Officer/Agency: - Bond Amount: \$0

5

MINUTES
CITIZEN REVIEW BOARD MEETING
OLD CITY HALL
Thursday, May 11, 2006

A meeting of the Citizen Review Board of the City of Key West, Florida was held at Old City Hall on Greene Street, Thursday, May 11, 2006.

Vice Chairman Charles Lee called the meeting to order at 6:00 p.m.

Answering roll call were Vice Chairman Charles Lee and Board Members, Adare Fritz, Tony Estenoz, and Susan White.

Also present was Attorney Robert Cintron, Executive Director Vicki Grant and Lt. Jim Benkoczy

Absent: Lou Hernandez, Larry Maas and Rev. James Thornton

All present pledged allegiance to the flag of the United States of America.

Approval of Minutes

Vice Chairman Charles Lee presented the minutes of April 13, 2006. Board member Adare Fritz moved to approve the minutes. Tony Estenoz seconded. Hearing no objections the minutes were approved.

Approval of Agenda

Vice Chairman Charles Lee presented the agenda. Hearing no objections the agenda was approved.

Chief Mauldin

Chief Mauldin addressed the board. The board members expressed gratitude to the Chief for his attendance at the meeting and for the departments cooperation.

Counsel's Report

Counselor Robert Cintron reminded the board they continue to be mindful of the Sunshine Law. Board members cannot discuss board issues outside of the board meetings. He also reminded the board that they cannot throw any of their documents or notes away. If they are lacking in storage they can take their records to the CRB office for storage.

Executive Director's Report

Grant introduced the new board candidate, Mark Kielsgard, and explained the interview procedure. Vice Chairman Charles Lee led the interview. Vice Chairman called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, and Charles Lee

Nays: None

Motion carried.

Grant provided information regarding the Nacole conference scheduled for September 25-28, 2006 in Boise, Idaho.

Grant provided a copy of the proposed budget for 2007. The board requested that Grant increase the travel and per diem to allow for all of the board members interested to attend the Nacole conference. They also requested that the budget for the contracted services of the investigator remain at \$15,000.

Public Input

Gregory Duque

Miami Dade

Complaint Reviews

a. Board member Adare Fritz led the discussion concerning the complaint filed by Mr. Michael Rosenstein. The board noted that the complainant was satisfied with the complaint resolution however the board asked questions regarding confidential informants CI's). Lt. Benkoczy informed the board that KWPD does have a contract with CI's and that they are screened before they are hired. KWPD does not require a drug test for CI's. Although the CI involved in the arrest of the complainant did attend confidential AA meetings, he was not a plant. CI's are not planted in AA meetings however CI's may attend outside their capacity of their CI duties. Board member Adare Fritz moved that the complaint filed by Mr. Rosenstein against Det. Frank Zamora be closed. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz, Susan White, and Charles Lee

Nays: None

Motion carried.

b. Grant explained to the board that because the Duque complaint is based on an incident that occurred before the inception of the CRB that the board must first determine if they will accept and review the case. The board agreed to listen to the complainant before making their decision. Complainant Gregory Duque called in to the board meeting and addressed the board regarding his complaint. When asked what the complainant would like to see as the outcome of his review, Duque responded that he wants to be exonerated; he wants his complaint investigated properly; that a proper investigation would show that he is not delusional and finally that he would like to see Officer Arbie's pension revoked. Board member Estenoz asked if there was any proof that the complainant was injured at the scene of the arrest. The complainant said he has a copy of his medical records. Vice Chairman asked the board members if they thought the board should review the case. Lee expressed that he thought the case was too old, that there is only one officer left on the force and the board had no authority over Officer Arbie's pension.

Board member Susan White expressed that she felt the board should review the complaint, look at the medical records and determine a finding.

Susan White moved that the board hear the complaint. The motion failed due to lack of a second. Adare Fritz moved that the board not accept the case. Tony Estenoz seconded. Vice Chairman Charles Lee called the vote.

Yeas: Tony Estenoz, Adare Fritz and Charles Lee,

Nays: Susan White

Motion carried.

Duque was advised that he can appeal the board's decision.

Continued Business

Grant informed the board that she attempted to contact the witness in the Millette complaint who is or was employed at the Lazy Gecko on Duval Street. The complainant has not returned her calls and the person who answered the phone at the Lazy Gecko said there is no one by his name currently employed. Estenoz gave Grant the owner's name to call. The board directed Grant to make another attempt to reach the witness through the owner of the Lazy Gecko before the next meeting. If unsuccessful, then Counsel will issue a subpoena.

Vice Chairman Lee suggested that the board cancel the May 25, 2006 meeting and review the next files at the June 8 meeting. The board agreed.

Media and Press

Adjournment

There being no further business, the Chairman adjourned the meeting at 7:36 p.m.

Respectfully submitted by

Vicki Grant, Executive Director

6



CITY OF KEY WEST

Citizen Review Board

PO Box 1946

Key West, FL 33041

(305) 809-3887

October 29, 2008

Michael Rosenstein
1209 United Street
Key West, FL 33040

Re: CRB Complaint File No.: 08-005

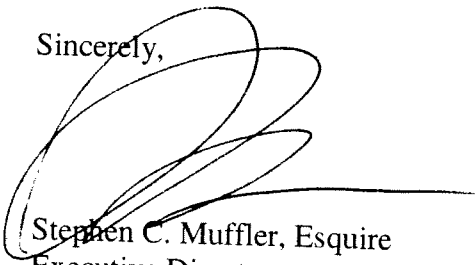
Dear Mr. Rosenstein:

I have left a total of three (3) voice messages at your (410) 263-3993 requesting you to forward any and all additional new evidence relative to your file. I left our office fax number (305) 293-9827 on your service and encouraging you to fax these items to me immediately so they can be presented to the Board. My last message has requested an accurate mailing address where you now reside up north so we can stay in contact as this local address is the latest mailing address our files reflect.

The Board will be meeting on your matter at the Old City Hall located at 610 Greene Street, Key West Florida 33040 on November 10, 2008 at 6:00 p.m. (EST) Your appearance is optional, but this is your opportunity to speak directly to the board members relative to your complaint.

If you have any further written comments to add to your file, please write them and send them to me as soon as possible.

Sincerely,



Stephen C. Muffler, Esquire
Executive Director
Attorney at Law



Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Lt. David Smith
FROM: Stephen Muffler, Esquire
DATE: 10/29/08
RE: CRB Agenda for 11/10/08

A handwritten signature in dark ink, appearing to be "S. Muffler", is written over the "FROM:" line.

Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures.

AGENDA


Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, November 10, 2008
6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
5. CONTINUED OR NEW BUSINESS
 - a. Review File: Michael Rosenstein – CRB# 08-005
 - b. Nominations for Vice Chair Position Being Accepted at this Meeting (to be added to the list compiled by the Executive Director prior to this meeting);
 - c. Election of Vice Chair Position via ballots to the Executive Director;
6. COUNSEL'S REPORT
7. CHAIRMAN'S REPORT
 - a. Review of 180 day issue and timing of files being brought to the Board
 - b. Review of Executive Director's suggestions to remedy matter.
8. BOARD MEMBERS REPORT/GENERAL COMMENTS
 - a. NACOLE attendees report/summary to the Board
9. EXECUTIVE DIRECTOR'S REPORT
 - a. Review of Proposed Working Agreement between CRB & KWPD;
 - b. Approval of Updated CRB Informational Brochures;
 - c. 2009 Board Meeting Dates Confirmed;
 - d. PowerPoint Presentation on evidentiary "standards of proof"
10. PUBLIC INPUT
11. MEDIA AND PRESS QUESTIONS
12. ADJOURNMENT



Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Sgt. Barios
FROM: Stephen Muffler, Esquire 
DATE: 10/29/08
RE: CRB Complaint #08-005/Rosenstein

Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on November 10, 2008. One or more of the Board Members and/or the Executive Director has placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel.

AGENDA


Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, November 10, 2008
6:00 p.m.

1. CALL THE MEETING TO ORDER
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3. PLEDGE OF ALLEGIANCE
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 - b. Approval of Updated CRB Informational Brochures;
 - c. 2009 Board Meeting Dates Confirmed;
 - d. PowerPoint Presentation on evidentiary "standards of proof"
10. PUBLIC INPUT
11. MEDIA AND PRESS QUESTIONS
12. ADJOURNMENT



Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Detective Cohens
FROM: Stephen Muffler, Esquire 
DATE: 10/29/08
RE: CRB Complaint #08-005/Rosenstein

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AGENDA

Citizen Review Board Meeting
Old City Hall, 510 Greene Street


Monday, November 10, 2008
6:00 p.m.

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES
5. CONTINUED OR NEW BUSINESS
 - a. Review File: Michael Rosenstein – CRB# 08-005
 - b. Nominations for Vice Chair Position Being Accepted at this Meeting (to be added to the list compiled by the Executive Director prior to this meeting);
 - c. Election of Vice Chair Position via ballots to the Executive Director;
6. COUNSEL'S REPORT
7. CHAIRMAN'S REPORT
 - a. Review of 180 day issue and timing of files being brought to the Board
 - b. Review of Executive Director's suggestions to remedy matter.
8. BOARD MEMBERS REPORT/GENERAL COMMENTS
 - a. NACOLE attendees report/summary to the Board
9. EXECUTIVE DIRECTOR'S REPORT
 - a. Review of Proposed Working Agreement between CRB & KWPD;
 - b. Approval of Updated CRB Informational Brochures;
 - c. 2009 Board Meeting Dates Confirmed;
 - d. PowerPoint Presentation on evidentiary "standards of proof"
10. PUBLIC INPUT
11. MEDIA AND PRESS QUESTIONS
12. ADJOURNMENT



Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Detective Zamora

FROM: Stephen Muffler, Esquire 

DATE: 10/29/08

RE: CRB Complaint #08-005/Rosenstein

Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on November 10, 2008. One or more of the Board Members and/or the Executive Director has placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel.


AGENDA
Citizen Review Board Meeting
Old City Hall, 510 Greene Street

Monday, November 10, 2008
6:00 p.m.

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2. ROLL CALL
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Citizen Review Board
City of Key West Florida
Executive Director's Memo

TO: Detective Stevens
FROM: Stephen Muffler, Esquire 
DATE: 10/29/08
RE: CRB Complaint #08-005/Rosenstein

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